

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 1

Date: May 6, 2009

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the SANBAG Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
5	C07-001	Professional Communications Network (PCN) <i>Jeff White</i>	None
15	06-043	Jacobs Project Management Co. <i>Hank Alonso</i>	HDR Vali Cooper Karen Meadows

*

*Approved
Board of Directors*

Date: May 6, 2009

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

16	03045-02	LSA Associates <i>Lisa Williams</i>	Jones and Stokes Kleinfelder Arellano & Associates
16	03046-02	LAN Engineering <i>William Nascimento</i>	Associated Engineers Kleinfelder Stantec OPC Iteris VMS STB
18	C09114	Paratransit, Inc./Innovative Paradigms <i>Philip McGuire</i>	Douglas J. Cross Consultant
25	A09192	TH Enterprises, Inc. <i>Ted Hoisington</i>	None

Financial Impact: This item has no direct impact on the SANBAG budget.

Reviewed By: This item is prepared monthly for review by SANBAG Board and Committee members.

BOARD OF DIRECTORS ATTENDANCE RECORD - 2009

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gary Ovitt Board of Supervisors	X	X		X								
Brad Mitzelfelt Board of Supervisors	X			X								
Paul Biane Board of Supervisors	X		X	X								
Josie Gonzales Board of Supervisors	X	X	X	X								
Neil Derry Board of Supervisors		X	X	X								
Charley Glasper City of Adelanto	X	X	X	X								
Rick Roelle Town of Apple Valley	X	X	X	X								
Julie McIntyre City of Barstow	X	X	X	X								
Bill Jahn City of Big Bear Lake	X	X	X	X								
Dennis Yates City of Chino	X	X	X	X								
Gwenn Norton-Perry City of Chino Hills		X	X	X								
Kelly Chastain City of Colton	X	X	X	X								
Mark Nuaimi City of Fontana	X	X	X	X								
Bea Cortes City of Grand Terrace	*	X	X	X								
Mike Leonard City of Hesperia	X	X		X								

X = member attended meeting.

* = alternate member attended meeting.

Empty box = Did not attend meeting

Crossed out box = not a Board Member at the time.

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BOARD OF DIRECTORS ATTENDANCE RECORD - 2009

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Larry McCallon City of Highland	X	X	X	X								
Rhodes 'Dusty' Rigsby City of Loma Linda	X	X	X	X								
Paul Eaton City of Montclair	X	X	X	X								
Jeff Williams City of Needles	X	X		X								
Alan Wapner City of Ontario	X	X	X	*								
Diane Williams City of Rancho Cucamonga	X	X	X	X								
Pat Gilbreath City of Redlands	X	X	X	X								
Grace Vargas City of Rialto	*											
Ed Scott City of Rialto		X	X	X								
Patrick Morris City of San Bernardino	X	X	X	X								
Jim Harris City of Twentynine Palms	X	X	X	X								
John Pomierski City of Upland	X	X	X									
Ryan McEachron City of Victorville	X	X	X	X								
Dick Riddell City of Yucaipa	X	X	X	X								
William Neeb Town of Yucca Valley	X	X	X	X								
Ray Wolfe Ex-Official Member	Jesus Galvan	X	X	X								

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BOARD OF DIRECTORS ATTENDANCE RECORD - 2008

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gary Ovitt Board of Supervisors	X	X	X	X	X	X	X	X		X	X	X
Brad Mitzelfelt Board of Supervisors	X	X	X	X	X		X	X	X	X		
Paul Biane Board of Supervisors		X		X	X	X				X	X	
Dennis Hansberger Board of Supervisors	X	X		X	X		X	X	X		X	X
Neil Derry Board of Supervisors	X	X	X	X	X	X	X	X	X	X	X	X
Josie Gonzales Board of Supervisors	X		X	X	X	X	X	X	X	X		
Jim Nehmens City of Adelanto	X	X	X		X	X	X	X	X	X	X	X
Charley Glasper City of Adelanto	X	X	X	X	X	X	X	X	*	X	X	X
Rick Roelle Town of Apple Valley	X	X	X	X	X	X		X	X	X	X	X
Lawrence Dale City of Barstow	X	X	X	X	X	X	X	X	X	X	X	X
Bill Jahn City of Big Bear Lake	X	X			X	X	X	X		X	X	X
Dennis Yates City of Chino	X	X	X		X	X	X	X	X		X	X
Gwenn Norton-Perry City of Chino Hills		X	X	X	X		*				X	
Kelly Chastain City of Colton	X	X	X	X	X	*	*	X	X	X	X	X
Mark Nuaini City of Fontana	X	X	X		X	X	X	X	X	X	X	X
Bea Cortes City of Grand Terrace	X	X	X	X	X	X	X	X	X	X	X	X
Mike Leonard City of Hesperia	X	X	X	X	X	X	X		X	X	X	X
Larry McCallon City of Highland	X	X	X		X	X	*	*	X	X	X	X

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BOARD OF DIRECTORS ATTENDANCE RECORD - 2008

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Robert Christman City of Loma Linda	X	X		X	X	X	X	X	X	X	X	X
Rhodes 'Dusty' Rigsby City of Loma Linda								X	X	X	X	X
Paul Eaton City of Montclair	X	X	X	X	X	X	X	X	X	X	X	X
Rebecca Valentine City of Needles		X	X	X	X	X	X	X	X	X	X	X
Paul Leon City of Ontario	X	X	X	X	X	*	X	X	X	X	X	X
Diane Williams City of Rancho Cucamonga	X	X	X	X	X	X	X	X	X	X	X	X
Pat Gilbreath City of Redlands	X	X	X	X	X	X	X	X	X	X	X	X
Grace Vargas City of Rialto	X	X	X		X		X	*	X			X
Patrick Morris City of San Bernardino	X	X		X	X	X		X	X	X	X	X
Jim Harris City of Twentynine Palms		X	X	X	X	X	X	X	X	X	X	X
John Pomierski City of Upland	X	X	X		X	X		X	X			X
Mike Rothschild City of Victorville	X	X	X	X	X	X	X	X	X	X	X	X
Ryan McEachron City of Victorville												X
Dick Riddell City of Yucaipa	X	X	X	X	X	X	X	X	X	X	X	X
Chad Mayes Town of Yucca Valley	X	X	*	*								
William Neeb Town of Yucca Valley					X	X	X	X	X	X	X	X
Michael Perovich Ex-Official Member	X	X		X	X	Karla Sutliff	Karla Sutliff	Karla Sutliff	Karla Sutliff			
Ray Wolfe Ex-Official Member										X	X	X

X = member attended meeting.

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- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 3

Date: May 6, 2009

Subject: Procurement Report for March 2009

Recommendation:* Receive Monthly Procurement Report.

Background: The Board of Directors approved the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997. The Executive Director, or designee, is authorized to approve Purchase Orders up to an amount of \$50,000. All procurements for supplies and services approved by the Executive Director, or his designee, in excess of \$5,000 shall be *routinely* reported to the Administrative Committee and to the Board of Directors.

Attached are the purchase orders in excess of \$5,000 to be reported to the Board of Directors for the month of March 2009.

Financial Impact: This item imposes no impact on the FY 2008/2009 Budget. Presentation of the monthly procurement report will demonstrate compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By: This item was received by the Administrative Committee on April 8, 2009.

Responsible Staff: William Stawarski, Chief Financial Officer

*Approved
Board of Directors*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

PURCHASE ORDERS ISSUED FOR MARCH 2009

	Vendor	Purpose	Sole Source Y/N	Amount
P09189	Public Sector Personnel Consultants	Personnel Classification and Compensation Study	No	\$24,500.00
P09191	Environmental Systems Research Inc.	Annual Software Maintenance	Yes ~ ESRI Software	\$12,276.00
			TOTAL PURCHASE ORDERS ISSUED	\$36,776.00

Minute Action

AGENDA ITEM: 4

Date: May 6, 2009

Subject: Disadvantaged Business Enterprise (DBE) Race Neutral and Race Conscious Program

Recommendation:*

- 1.) Approve Amendment No. 2 to Contract A06071-2, with the California Department of Transportation relative to the Disadvantaged Business Enterprise (DBE) Program Plan Implementation with no cost implications.
- 2.) Approve change of DBE Liaison from Deborah Robinson Barmack to Duane A. Baker.

Background:

- 1.) Due to the results of a recent Caltrans Availability and Disparity Study local agencies receiving state or federal funds are required to split out their Annual Anticipated DBE Percentage Level (AADPL) into Race Neutral and Race Conscious portions. The Race Conscious portion of the AADPL is limited to the four identified Underutilized DBE (UDBE) groups: African American, Asian Pacific American, Native American and Women.

The California Department of Transportation (Caltrans) received approval on March 4, 2009 from the Federal Highway Administration (FHWA) to immediately implement its Federal Fiscal Year 2009 Disadvantaged Business Enterprise (DBE) Goal and Methodology. The 2009 Goal and Methodology

Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

provides for a 6.75 percent race-conscious goal and a 6.75 percent race-neutral goal for an overall 13.5 percent program goal.

In his letter of March 26, 2009, Caltrans Director Will Kempton has asked all local agencies in California to immediately begin transitioning to the new Race-Conscious Disadvantaged Business Enterprise Program (RC DBE). Although the implementation date is June 2, 2009, he has asked all local agencies to implement the RC DBE provisions, to the greatest extent possible, within 60 days of apportionment.

In addition, with the recent enactment of the American Recovery and Reinvestment Act (ARRA) of 2009, there is great concern that project work funded through ARRA meets the 13.5 percent goal for DBE participation. FHWA has indicated that failure to implement the overall goal and contract goals could result in the imposition of sanctions authorized by 23 Code of Federal Regulation (CFR) section 1.36. Those sanctions may include withholding federal funds, withholding approval of projects, or other action FHWA deems appropriate under the circumstances.

In a March 4, 2009 letter, Director Kempton identified a change needed in contracts. "Under the new RC DBE Program, local agencies must incorporate the new race conscious contract specifications into all federal-aid consultant and construction contracts." A copy of his letter is attached as Exhibit "A" for reference.

Caltrans Division of Local Assistance stated that local agency contracts will be affected in the following areas: Overall statement DBE goal and methodology has both race conscious and race neutral components; there is a need to continue to implement race neutral measures; contract goals have been reinstated pertaining to race conscious measures; Good Faith Effort has been reinstated in meeting contract goals and in substitutions during contract administration; contract goals and good faith effort will be limited to UDBEs only; and all DBE participation (including Hispanic and Sub Continent Asian participation) is counted toward the Race Neutral portion of the overall DBE goal.

The Board approved Contract No. 06071 in June 2006 and modified on September 2007 to acknowledge SANBAG's Race Neutral Program. Attached as

Exhibit "B" is Amendment 2 to the Contract with the updated "California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement" to reflect SANBAG's adoption and implementation the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan as it pertains to local agencies.

2.) Duane Baker will be taking over the responsibilities of the DBE Liaison from the previous DBE Liaison, Deborah Barmack. It is SANBAG's responsibility to formally notify Caltrans of this change and this will be done at the same time we provide the amended Exhibit 9-A to them confirming our adoption of a Race-conscious/Race-neutral DBE Program.

Financial Impact: This item has no direct impact on the adopted budget. There are significant cost implications to SANBAG associated with compliance with the Caltrans DBE requirements which would place all federal funds associated with SANBAG's projects in jeopardy. Staff activities associated with this item are consistent with the adopted budget.

Reviewed By: This contract was originally reviewed by Legal Counsel. The recommended amendments were approved by the Administrative Policy Committee on April 8, 2009. It will be submitted for approval to the Board of Directors on May 6, 2009.

Responsible Staff: Ellen Pollema, Transportation Planning Specialist

DEPARTMENT OF TRANSPORTATION

DIVISION OF LOCAL ASSISTANCE – M.S. 1

1120 N STREET

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 653-1776

FAX (916) 654-2409

TTY 711

*Flex your power!
Be energy efficient!*

March 4, 2009

TO: ALL CITIES AND COUNTIES IN CALIFORNIA
METROPOLITAN PLANNING ORGANIZATIONS
REGIONAL TRANSPORTATION PLANNING AGENCIES

Dear Directors:

Re: Mandatory Race Conscious DBE Program

The Federal Highway Administration (FHWA) has approved the California Department of Transportation's 2009 Disadvantaged Business Enterprise (DBE) Annual Overall Goal. FHWA's approval requires the immediate implementation of the new DBE Program that includes a Race Conscious component (RC DBE Program). Effective immediately the California Department of Transportation (Caltrans) and local agencies receiving federal-aid funds must begin transitioning to the new RC DBE Program.

Transition Period

Local agencies may have until June 2, 2009 to transition to the newly approved RC DBE Program. This allows local agencies until June 2, 2009, to adopt and execute the new RC DBE Program and allows projects authorized to proceed under the old Race Neutral (RN) DBE program to proceed to contract award. As soon as possible but before June 2, 2009, local agencies must adopt and execute a new *California Department of Transportation DBE Program Implementation Agreement* (DBE Implementation Agreement). Upon execution of the new DBE Implementation Agreement, local agencies shall proceed under the new RC DBE Program. Under the new RC DBE Program, local agencies must incorporate the new race conscious contract specifications into all federal-aid consultant and construction contracts. These specifications are incorporated in the new contract boilerplate language referenced below.

Impacts to Federal-Aid Projects

- **ALL CONTRACTS AWARDED AFTER June 2, 2009 SHALL INCLUDE RC DBE REQUIREMENTS (i.e. contract goals, good faith efforts).**
- **Any project that receives Authorization to Proceed under the old RN DBE requirements must award the contract by June 2, 2009.**
- **Any Authorization to Proceed received under the old RN DBE requirements that does not meet the June 2, 2009 contract award deadline, shall be re-evaluated.**

"Caltrans improves mobility across California"

Local agencies must resubmit their projects to Caltrans for approval to ensure compliance with the new RC DBE requirements prior to bid opening. Authorizations to Proceed will be withdrawn if projects do not comply with the new RC DBE requirements.

- **Contracts awarded after June 2, 2009, without meeting the new RC DBE requirements will be ineligible for federal funding.**
- **Local agencies' Requests for Authorization to Proceed for projects under the old RN DBE Program will continue to be received and processed subject to the preceding conditions.**
- **In submitting Requests for Authorization to Proceed for projects under the old RN DBE Program, the project sponsors need to be mindful of the minimum advertising period of three weeks, and the time it takes for bid opening and contract approval by their governing bodies.**
- **Requests for Authorization to Proceed with the new RC DBE requirements may be submitted for processing and have funds obligated/authorized before the District Local Assistance Engineer (DLAE) receives the new DBE Implementation Agreements; however, projects shall not be awarded prior to the approval of the new DBE Implementation Agreement by the DLAE.**
- **Existing federal-aid project contracts awarded with race neutral requirements shall continue under the old RN DBE Program.**

Contract Goals Limited to Underutilized Disadvantaged Business Enterprises (UDBEs)

Contract goals and the Good Faith Effort requirement are reinstated; however, they are limited to Underutilized DBEs (UDBEs). The findings from the Caltrans Availability and Disparity Study revealed statistically significant underutilization in four of the six groups presumed to be disadvantaged as defined by the Code of Federal Regulations, 49 CFR Part 26. The four groups are African American, Asian Pacific American, Native American and Women. Contract goals will be limited to these four groups of UDBEs. Use of the UDBEs above the contract goal and/or use of DBEs owned and controlled by Hispanic Males or Subcontinent Asian Males shall be reported and counted toward the Race Neutral portion of the local agencies' overall Anticipated Annual DBE Percentage Levels (AADPLs).

Old RN and New RC DBE Forms, Boilerplate Specifications

For contracts that will be advertised and awarded under the old RN DBE Program, the appropriate DBE forms will be available on the Local Assistance Website:

http://www.dot.ca.gov/hq/LocalPrograms/DBE_CRLC.html

You may download the new DBE Implementation Agreement and consultant and construction contract boilerplate language from the Local Assistance website at:

<http://www.dot.ca.gov/hq/LocalPrograms/>

"Caltrans improves mobility across California"



Enclosure 1

Consultant Contracts: Contracts awarded prior to June 2, 2009, whose authorizations were granted prior to the adoption of the Race Conscious DBE Implementation Agreement may follow the Race Neutral DBE Program. All contracts awarded after June 2, 2009 must follow the Race Conscious DBE Program and use the following new Race Conscious LAPM Exhibits currently located on the Caltrans Local Assistance website under "Announcements."

- Exhibits 3-A, 3-B, or 3-C: Request to Proceed with Preliminary Engineering, Right-of-Way, or Utility Relocation
- Exhibit 3-E: Request for Authorization to Proceed Data Sheet(s)
- Exhibit 10-C: Consultant Agreement Reviewers Checklist
- Exhibit 10-D: Consultant Agreement Outline
- Exhibit 10-I: Notice to Bidders/Proposers DBE Requirements and Instructions
- Exhibit 10-J: Standard Agreement for Subcontractor/DBE Participation
- Exhibit 10-O(1): Local Agency Bidder/Proposer UDBE Commitment (Consultant Contracts)
- Exhibit 10-O(2): Local Agency Bidder/Proposer DBE Commitment (Consultant Contract)
- Exhibit 17-F: Final Report Utilization of DBE, First-Tier Subcontractors



Enclosure 2

Construction Contracts: Contracts to be advertised and awarded before the execution of the new DBE Implementation Agreement and before June 2, 2009, may proceed to advertise and award using Race Neutral boilerplate specifications and Race Neutral LAPM Exhibits 12-D, 15-A, 15-B, 15-G, 15-I, 15-L and 17-F. All other contracts shall use the new Race Conscious boilerplate specifications and the following new Race Conscious LAPM Exhibits currently located on the Caltrans Local Assistance website under "Announcements:"

- Exhibit 3-D: Request for Authorization to Proceed with Construction
- Exhibit 3-E: Request for Authorization to Proceed Data Sheet(s)
- Exhibit 12-D: PS&E Checklist
- Exhibit 15-A: Local Agency Construction Contract Administration Checklist
- Exhibit 15-B: Resident Engineer's Construction Contract Administration Checklist
- Exhibit 15-G(1): Local Agency Bidder/Proposer UDBE Commitment (Construction Contracts)
- Exhibit 15-G(2): Local Agency Bidder/Proposer DBE Commitment (Construction Contracts)
- Exhibit 15-H: Good Faith Efforts Submittal
- Exhibit 15-I: Local Agency Bid Opening Checklist
- Exhibit 15-L: Local Agency Contract Award Checklist
- Exhibit 17-F: Final Report Utilization of DBE, First-Tier Subcontractors

Cities & Counties in California
MPOs
RTPAs
March 4, 2009
Page 3

For specific guidance on federal-aid consultant and construction contracts and access to the new DBE forms, please refer to the enclosures addressing consultant contracts and construction contracts.

Local Assistance Procedures Manual (LAPM)

The Division of Local Assistance will be issuing the changes to the LAPM. Until the LAPM changes are issued, the updated forms, guidance, and Frequently Asked Questions are available on the Caltrans, Division of Local Assistance (DLA) website:

<http://www.dot.ca.gov/hq/LocalPrograms/>

Annual Anticipated DBE Percentage Levels (AADPL)

Local agencies are not required to resubmit previously approved 2008/2009 AADPLs to include segregated Race Conscious (RC) and Race Neutral (RN) components; **however, contract goals shall be calculated and placed on all contracts after the local agency has executed the new DBE Implementation Agreement.** The 2009/2010 AADPLs shall report segregated RC and RN anticipated percentage level components. Guidance for AADPL calculation under the new RC DBE Program is available at the Caltrans DLA website under "Announcements."

If you have questions, please refer to the Frequently Asked Questions posted on the Caltrans, DLA website: <http://www.dot.ca.gov/hq/LocalPrograms/> before contacting your DLAE.

Sincerely,



DENIX D. ANBIAH, Chief
Division of Local Assistance

Enclosures

c: Local Agency DBE Liaison Officers

"Caltrans improves mobility across California"

EXHIBIT B**SANBAG Contract No. A06071-2**

by and between

California Department of Transportation

and

San Bernardino Associated Governments

for

Disadvantaged Business Enterprise Race Neutral Implementation Agreement**FOR ACCOUNTING PURPOSES ONLY**

<input type="checkbox"/> Payable	Vendor Contract # _____	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Amendment

Notes: This contract has no dollar amount

Original Contract: \$ 0.00

Previous Amendments Total: \$ _____

Previous Amendments Contingency Total: \$ _____

Contingency Amount: \$ _____

Current Amendment: \$ _____

Current Amendment Contingency: \$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 0.00

Please include funding allocation for the original contract or the amendment ↴

<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Amounts</u>
1 <u>09INDI</u>	_____	1 _____	\$ <u>0.00</u>
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____

Original Board Approved Contract Date: 6/07/06 Contract Start: 06/07/06 Contract End: _____New Amend. Approval (Board) Date: 05/06/09 Amend. Start: 06/01/09 Amend. End: _____**If this is a multi-year contract/amendment, please allocate costs among fiscal years:**

Fiscal Year: _____ \$ _____	Fiscal Year: _____ \$ _____	Fiscal Year: _____ \$ _____
--------------------------------	--------------------------------	--------------------------------

Is this consistent with the adopted budget? ☒ Yes ☐ NoIf no, has the budget amendment been submitted? ☐ Yes ☐ No**CONTRACT MANAGEMENT****Please mark an "X" next to all that apply:**
☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly Local
Disadvantaged Business Enterprise: ☐ No ☐ Yes _____%Task Manager: Duane A. BakerContract Manager: Duane A. Baker

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date

 Filename: A06071-2.doc
 ISF09

CALIFORNIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT

For the San Bernardino Associated Governments (SANBAG), hereinafter referred to as "RECIPIENT."

I Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR § 26.5.

II OBJECTIVE/POLICY STATEMENT (§26/1, 26/23)

The RECIPIENT intends to receive federal financial assistance from the U. S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, the RECIPIENT will sign the California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement (hereinafter referred to as Agreement). The RECIPIENT agrees to implement the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan (hereinafter referred to as the DBE Program Plan) as it pertains to local agencies. The DBE Program Plan is based on U.S. Department of Transportation (DOT), 49 CFR, Part 26 requirements.

It is the policy of the RECIPIENT to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also their policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- To ensure that their annual overall DBE participation percentage is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

III Nondiscrimination (§26.7)

RECIPIENT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 on the basis of race, color, sex, or national origin. In administering the local agency components of the DBE Program Plan, the RECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

IV Annual DBE Submittal Form (§26.21)

The RECIPIENT will provide to the Caltrans District Local Assistance Engineer (DLAE) a completed *Local Agency DBE Annual Submittal Form* (Exhibit 9-B) by June 1 of each year for the following Federal Fiscal Year (FFY). This form includes an Annual Anticipated DBE Participation Level (AADPL), methodology for establishing the AADPL, the name, phone number, and electronic mailing address of the designated DBELO, and the choice of Prompt Pay Provision to be used by the RECIPIENT for the following FFY.

V Race-Neutral Means of Meeting the Overall Statewide Annual DBE Goal (§26.51)

RECIPIENT must meet the maximum feasible portion of its AADPL by using race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts).

Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

VI Race Conscious Means of Meeting the Overall Statewide Annual DBE Goal (§26.51(d))

RECIPIENT must establish contract goals for Underutilized Disadvantaged Business Enterprises (UDBEs) to meet any portion of your AADPL you do not project being able to meet using race-neutral means. UDBEs are limited to these certified DBEs that are owned and controlled by African Americans, Native Americans, Women, and Asian Pacific Americans.

VII Quotas (§26.43)

RECIPIENT will not use quotas or set-asides in any way in the administration of the local agency component of the DBE Program Plan.

VIII DBE Liaison Officer (DBELO) (§26.25)

RECIPIENT has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan, as it pertains to the RECIPIENT, and ensures that the RECIPIENT is fully and properly advised concerning DBE Program Plan matters. The DBELO has a support staff of two support personnel who devote a portion of their time to the program. The name, address, telephone number, electronic mail address, and an organization chart displaying the DBELO's position in the organization are found in Attachment A to this Agreement. This information will be updated annually and included on the DBE Annual Submittal Form.

The DBELO is responsible for developing, implementing, and monitoring the RECIPIENT's requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to determine projected Annual Anticipated DBE Participation Level.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
6. Participates in pre-bid meetings.
7. Advises the CEO/governing body on DBE matters and DBE race-neutral issues.
8. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.

IX Federal Financial Assistance Agreement Assurance (§26.13)

RECIPIENT will sign the following assurance, applicable to and to be included in all DOT-assisted contracts and their administration, as part of the program supplement agreement for each project.

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR, Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.). [Note – this language is to be used verbatim, as it is stated in §26.13(a).]

X DBE Financial Institutions (§26.27)

It is the policy of the RECIPIENT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Caltrans' Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

XI Directory (§26.31)

RECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's website at www.dot.ca.gov/hq/bep.

XII Required Contract Clauses (§§26.13, 26.29)

RECIPIENT ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

A. CONTRACT ASSURANCE

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

[Note – This language is to be used verbatim, as is stated in §26.13(b). See Caltrans Sample Boiler Plate Contract Documents on the Internet at www.dot.ca.gov/hq/LocalPrograms under "Publications."]

B. PROMPT PAYMENT

Prompt Progress Payment to Subcontractors

The local agency shall require contractors and subcontractors to be timely paid as set forth in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The local agency shall ensure prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed and accepted. This shall be accompanied by including either (1), (2), or (3) of the following provisions [local agency equivalent will need Caltrans approval] in their federal-aid contracts to ensure prompt and full payment of retainage [withheld funds] to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

XIII Local Assistance Procedures Manual

The RECIPIENT will advertise, award and administer DOT-assisted contracts in accordance with the most current published Local Assistance Procedures Manual (LAPM).

XIV Transit Vehicle Manufacturers (§ 26.49)

If FTA-assisted contracts will include transit vehicle procurements, RECIPIENT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26, Section 49.

XV Bidders List (§26.11(c))

The RECIPIENT will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/nonDBE status, age, and annual gross receipts of the firm.

XVI Reporting to the DLAE

RECIPIENT will promptly submit a copy of the Local Agency Bidder/Proposer-UDBE Commitment (Consultant Contract), (Exhibit 10-O(1) "Local Agency Bidder/Proposer-DBE Commitment (Consultant Contract)") or Exhibit 15-G(1) "Local Agency Bidder-UDBE Commitment (Construction Contract)" to the DLAE at the time of award of the consultant or construction contracts.

RECIPIENT will promptly submit a copy of the Local Agency Bidder-DBE Information (Exhibit 15-G(2) "Local Agency Bidder-DBE (Construction Contracts) – Information" or Exhibit 10-O(2) "Local Agency Proposer/Bidder-DBE (Consultant Contracts)-Information" of the LAPM) to the DLAE at the time of execution of consultant or construction contract.

RECIPIENT will promptly submit a copy of the Final Utilization of DBE participation to the DLAE using Exhibit 17-F "Final Report – Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" of the LAPM immediately upon completion of the contract for each consultant or construction contract.

XVII Certification (§26.83(a))

RECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program will participate as DBEs on DOT-assisted contracts.

XVIII Confidentiality

RECIPIENT will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

This California Department of Transportation's Disadvantaged Business Enterprise Program Implementation Agreement is accepted by:

SAN BERNARDINO
ASSOCIATED GOVERNMENTS

CALTRANS

By: _____
Gary C. Ovitt
President
SANBAG Board of Directors

By: _____
Patrick Hally, DLAE
CALTRANS

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Jean Rene Basle
SANBAG Counsel

Distribution: (1) Original – DLAE
(2) Signed copy by the DLAE – Local Agency
(Updated: March 4, 2009)

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 5

Date: May 6, 2009

Subject: Amendment No. 2 to Contract No. 07-001 with Professional Communications Network (PCN) for call answering center (CAC) services.

Recommendation:* Approve Amendment No. 2 to Contract No. 07-001 with PCN, to exercise the option to extend the contract for one year through June 30, 2010 at a one-year cost of \$85,500, for a new total not to exceed \$415,913.

Background: This is an amendment to an existing Agreement. In February 2002, the San Bernardino and Riverside Service Authority for Freeway Emergencies' (SAFE) began to jointly operate a private CAC through a San Bernardino SAFE contract with PCN. Since that time, the CAC has responded to over 355,000 call box calls in the two counties, and has provided an outstanding level of service to motorists traveling within these counties.

In December 2005, the Board directed Staff to negotiate a contract with PCN, to continue the Inland Empire call box CAC services. San Bernardino SAFE is the lead on this contract, and receives reimbursement from the Riverside SAFE for their share of these services. The Board approved this direction because PCN is uniquely qualified to continue these services given the multi-county nature of these services and given the SAFE partnership. Because of this relationship, PCN is able to quickly enhance/expand these services to include other motorist aid products and services. In addition, a competitive process was conducted by the

Approved
Board of Directors

Date: May 6, 2009

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Orange County Transportation Authority (OCTA) in 2004 for identical services, and PCN was the successful bidder to provide those services. By taking this approach, the SAFE can continue to take advantage of enhancements made and paid for by OCTA, and continue the continuity of excellent services provided to the motoring public, all at a low cost. The first year option to the current contract between the San Bernardino SAFE (on behalf of the Riverside SAFE) with PCN ends on June 30, 2009, with the authority to exercise one more option year. The contract term is identical to the OCTA contract term with PCN. Attached is the scope of work as well as the cost and price proposal for the one-year period.

To summarize, it is anticipated that for FY 2009/2010 the total call box calls taken will be approximately 17,500 calls and the contract costs will not exceed \$85,500.00, for a total contract cost not to exceed \$415,913.00. Note that the Riverside SAFE will reimburse the San Bernardino SAFE for approximately 30% of all costs incurred through the PCN contract, which is the anticipated number of call box calls generated through the Riverside call box system.

Financial Impact: Funds have been budgeted in the FY 2009/2010 Budget to cover expenses in this Agreement. Task Number 70210000 revenue source Department of Motor Vehicle Fees.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on April 15, 2009. SAFE Counsel has approved this contract as to form.

Responsible Staff: Marla Modell, Air Quality/Mobility Specialist
Michelle Kirkhoff, Director of Air Quality/Mobility Programs

SANBAG Contract No. 07-001-02

by and between

SAN BERNARDINO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

and

PROFESSIONAL COMMUNICATIONS NETWORK (PCN)

for

San Bernardino & Riverside County Call Boxes Call Answering Center Services**FOR ACCOUNTING PURPOSES ONLY**

<input checked="" type="checkbox"/> Payable	Vendor Contract # <u>07-001</u>	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable	Vendor ID <u>PCN</u>	<input type="checkbox"/> Yes ____ % x No	<input checked="" type="checkbox"/> Amendment

Notes:

Original Contract:	\$ 330,413	Previous Amendments Total:	\$ <u>0.00</u>
		Previous Amendments Contingency Total:	\$ <u>0.00</u>
Contingency Amount:	\$ ____	Current Amendment:	\$ <u>85,500</u>
		Current Amendment Contingency:	\$ <u>0.00</u>

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 415,913

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
<u>702</u>	<u>5577</u>	<u>SAFE Registration Fees</u>	<u>0960</u>	\$ <u>85,500</u>
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>5/3/06</u>	Contract Start: <u>7/1/06</u>	Contract End: <u>6/30/08</u>
New Amend. Approval (Board) Date: <u>5/6/09</u>	Amend. Start: <u>7/1/09</u>	Amend. End: <u>6/30/10</u>

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: \$85,500	Future Fiscal Year(s) – Unbudgeted Obligation →
------------------------------------	-----------------------	--


Is this consistent with the adopted budget? ☒ Yes ☐ No
If yes, which Task includes budget authority? 702
If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT**Please mark an "X" next to all that apply:**☐ Intergovernmental ☒ Private ☐ Non-Local ☐ Local ☐ Partly LocalDisadvantaged Business Enterprise: ☒ No ☐ Yes ____%Task Manager: **Michelle Kirkhoff**Contract Manager: **Marla Modell**


Task Manager Signature

Date

4/17/09
4/17/09


Contract Manager Signature

Date

Chief Financial Officer Signature

Date

Amendment No. 2 to Contract No. 07-001

By and Between

SAN BERNARDINO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

And

PROFESSIONAL COMMUNICATIONS NETWORK

For

**CALLBOX ANSWERING CENTER SERVICES FOR SAN BERNARDINO AND
RIVERSIDE COUNTIES**

WHEREAS, the San Bernardino Service Authority for Freeway Emergencies, hereinafter referred to as "SAFE" and Professional Communications Network, LP and referred to herein as "CONTRACTOR", a California Limited Partnership, have previously entered into a contract effective July 1, 2006, wherein SAFE engaged CONTRACTOR to provide communication for motorist aid purposes using call answering center services (herein referred to as "CAC") of the type provided by CONTRACTOR for San Bernardino and Riverside County call boxes; which contract is hereinafter referred to as the "Contract"; and,

WHEREAS, SAFE and CONTRACTOR desire to amend the Contract to extend the Contract for one additional year for CONTRACTOR to perform the agreed upon work;

NOW THEREFORE, SAFE, and CONTRACTOR agree to amend the Contract as follows:

1. SECTION 3.2 Term. The first sentence of the first paragraph is amended to read as follows:

The term of this Contract shall be shall be from July 1, 2006 to June 30, 2010, unless earlier terminated as provided herein.
2. Delete Exhibit B provided in the original Contract and replaced with the Exhibit B attached to this Amendment.
3. All other portions of this Contract shall remain in full force and effect and are incorporated herein by this reference.

IN WITNESS WHEREOF, the authorized parties have below signed and executed this Amendment to the Contract, and shall be effective on the date set forth above.

SAN BERNARDINO SERVICE AUTHORITY
FOR FREEWAY EMERGENCIES

PROFESSIONAL COMMUNICATIONS
NETWORK, LP

Gary C. Ovitt, President

Jeff White, President

APPROVED AS TO LEGAL FORM FOR
SAFE



Jean-Rene Basle, SAFE Counsel

Cost and Price Analysis Form for Contract 07-001 Amendment to FY 2009/2010

FY 09/10**On-going Expenses:**

\$75,886

For all incoming calls and tilt alarm calls, telephone operators, supervisors, materials, Amtelco eCreator/Infinity contract, generator upkeep, outbound phone expenses, insurance, T 1 circuit and profit. Language translation services, communication connections between the CAC Contractor and the remote message terminal locations, one time programming and computer hardware/software maintenance and component replacement. Estimated call volume: 17,500 Calls.

Other Work:

\$9,614

Funds have been included for additional work, as an example but not limited to, related to the CAC contractor developing and implementing adjunct services to the call box program, or one-time enhancements to the current program. The CAC contractor shall obtain prior written approval from SAFE prior to incurring these types of expenses.

Total CAC Contractor Amount for FY 2009/2010:

\$85,500

	SANBAG	RCTC	Total
On-going Expenses	\$53,120	\$22,766	\$ 75,886
Other Work	\$ 4,807	\$ 4,807	\$ 9,614
Total	\$57,927	\$27,573	\$85,500

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 6

Date: May 6, 2009

Subject: Amendment No. 5 to reimbursement Contract No. 02-006 with the Riverside County Transportation Commission (RCTC) for call answering center (CAC) services.

Recommendation:* Approve Amendment No. 5 to Contract No. 02-006 with RCTC for reimbursement of revenue for their share of the call box CAC services, extending the contract for one year through June 30, 2010. Additional one year reimbursement is estimated to be \$27,573, with a total new reimbursement agreement not to exceed \$620,989.

Background: This is an amendment to an existing Contract No. 05-002. In February 2002, the San Bernardino and Riverside Service Authority for Freeway Emergencies' (SAFE) began to jointly operate a private CAC through a San Bernardino SAFE contract with Professional Communications Network (PCN). Since that time, PCN has responded to over 353,000 call box calls and has provided an outstanding level of service to motorists traveling within these counties. The contract with PCN expires on June 30, 2009.

In December 2005, the Board directed staff to negotiate an agreement with PCN, to continue those services for two more years, with two one-year option terms. The first year option has been exercised and one option year remains. Pending Plans and Programs' Committee and Board approval of the amended PCN contract, attached is an amendment to the RCTC Contract to extend their revenue

Approved
Board of Directors

Date: May 6, 2009

Moved: Second:

In Favor: Opposed: 0 Abstained: 0

Witnessed: _____

agreement as well, for the same term as the PCN contract (the first of the one-year options will be obligated). RCTC's reimbursement of their share of CAC costs is based on actual costs incurred by PCN and based on actual call box calls generated from the Riverside county call box system.

Based on the anticipated call volume, the costs to be incurred for call answering services FY 2009/2010 are to be \$27,573. RCTC's share is projected to be approximately 30%, or \$85,500 of the total costs.

Financial Impact: Anticipated revenues of \$27,573, as a result of this Contract, have been budgeted in the FY 2009/2010 Budget. Task Number 70210000.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on April 15, 2009. SAFE Counsel has approved this contract as to form.

Responsible Staff: Marla Modell, Air Quality/Mobility Specialist
Michelle Kirkhoff, Director of Air Quality/Mobility Programs

SANBAG Contract No. 02-006-05

by and between

SAN BERNARDINO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

and

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

for

Call Box Call Answering Center Services to the San Bernardino & Riverside County Call Boxes

FOR ACCOUNTING PURPOSES ONLY

<input type="checkbox"/> Payable	Vendor Contract # <u>02-006</u>	Retention:	<input type="checkbox"/> Original
<input checked="" type="checkbox"/> Receivable	Vendor ID <u>RCTC</u>	<input type="checkbox"/> Yes ____ % x No	<input checked="" type="checkbox"/> Amendment

Notes:

Original Contract: \$ 359,251	Previous Amendments Total: \$ <u>234,165</u>
	Previous Amendments Contingency Total: \$ <u>593,416</u>
Contingency Amount: \$ _____	Current Amendment: \$ <u>27,573</u>
	Current Amendment Contingency: \$ <u>0.00</u>

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 620,989

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
<u>702</u>	<u>5577</u>	<u>RCTC Reimbursement</u>	<u>0960</u>	\$ <u>27,573</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>6/6/01</u>	Contract Start: <u>7/2/01</u>	Contract End: <u>6/30/06</u>
New Amend. Approval (Board) Date: <u>5/6/09</u>	Amend. Start: <u>7/1/09</u>	Amend. End: <u>6/30/10</u>

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: <u>09/10</u> \$ <u>27,573</u>	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ _____
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Is this consistent with the adopted budget? ☒ Yes ☐ No
 If yes, which Task includes budget authority? 702
 If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT

Please mark an "X" next to all that apply:

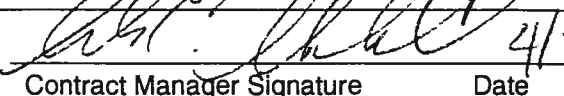
☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly Local

Disadvantaged Business Enterprise: ☒ No ☐ Yes ____ %

Task Manager: **Michelle Kirkhoff**

Contract Manager: **Marla Modell**

 _____
 Task Manager Signature Date 4/7/09

 _____
 Contract Manager Signature Date 4/7/09

 Chief Financial Officer Signature Date

Amendment No. 5 To Cooperative Agreement No. 02-006

By and Between

SAN BERNARDINO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

And

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

For

**CALL ANSWERING CENTER SERVICES TO SAN BERNARDINO AND
RIVERSIDE COUNTY CALL BOXES**

WHEREAS, the San Bernardino Service Authority for Freeway Emergencies, hereinafter referred to as "SAN BERNARDINO SAFE" and Riverside County Transportation Commission, herein referred to as "RCTC", have previously entered into an Agreement effective July 1, 2001, hereinafter referred to as AGREEMENT;

WHEREAS RCTC has agreed to reimburse the SAN BERNARDINO SAFE for services under the AGREEMENT, whereby SAN BERNARDINO SAFE has engaged a Contractor to provide call answering center (herein referred to as "CAC") services for San Bernardino and Riverside County call boxes, as set forth in the SAN BERNARDINO SAFE Agreement No. 07-001, hereinafter referred to as the "Primary Agreement"; and,

WHEREAS, SAN BERNARDINO SAFE and RCTC desire to amend the AGREEMENT to extend the AGREEMENT for one additional year with one-year option remaining, for Contractor to perform the agreed upon work;

NOW THEREFORE, SAN BERNARDINO SAFE and RCTC agree to amend the AGREEMENT as follows:

1. SECTION 3. TERMS, first paragraph is amended to read as follows:

This Agreement shall commence upon July 1, 2001 and shall continue in full force and effect through June 30, 2010 unless earlier terminated as provided in this Agreement.

2. ARTICLE 5. PAYMENT. For services provided in Fiscal Year 2009/2010, Exhibit B "Cost and Price Analysis Form for Contract 07-001" shall be added, which is attached and by this reference, incorporated in and made a part of this Agreement.

3. All other portions of this Agreement which are not altered by this amendment, shall remain in full force and effect and are incorporated herein by this reference.

IN WITNESS WHEREOF, the authorized parties have below signed and executed this Amendment to the Agreement, and shall be effective on the date set forth above.

SAN BERNARDINO SERVICE AUTHORITY
FOR FREEWAY EMERGENCIES

RIVERSIDE COUNTY TRANSPORTATION
COMMISSION

Gary C. Ovitt, President

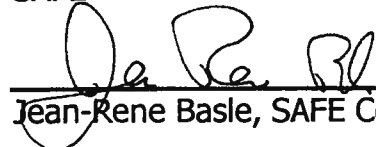
Robert Magee, Chairman

REVIEWED AND RECOMMENDED FOR
APPROVAL

Deborah Robinson-Barmack, Executive
Director

APPROVED AS TO LEGAL FORM FOR
SAFE

APPROVED AS TO LEGAL FORM FOR
RCTC



Jean-Rene Basle, SAFE Counsel

Steve DeBaun, RCTC Counsel

Cost and Price Analysis Form for Contract 07-001 Amendment to FY 2009/2010

FY 09/10**On-going Expenses:**

\$75,886

For all incoming calls and tilt alarm calls, telephone operators, supervisors, materials, Amtelco eCreator/Infinity contract, generator upkeep, outbound phone expenses, insurance, T 1 circuit and profit. Language translation services, communication connections between the CAC Contractor and the remote message terminal locations, one time programming and computer hardware/software maintenance and component replacement. Estimated call volume: 22,040 Calls.

Other Work:

\$9,614

Funds have been included for additional work, as an example but not limited to, related to the CAC contractor developing and implementing a program to receive calls from mobile phone users, for non emergency motorist assistance on the call box highway network. The CAC contractor shall obtain prior written approval from SAFE prior to incurring these types of expenses. Prior to any expenses incurred, a scope of work and budget will be developed and approved by both CAC contractor and SAFE.

\$85,500

Total CAC Contractor Amount for FY 2009/10:

	SANBAG	RCTC	Total
On-going Expenses	\$ 53,120	\$ 22,766	\$ 75,886
Other Work	\$ 4,807	\$ 4,807	\$ 9,614
Total	\$ 57,927	\$27,573	\$85,500

Minute Action

AGENDA ITEM: 7

Date: May 6, 2009

Subject: Amendment No. 2 to Contract No. C07023 with the County Museum to extend the contract end date to November 1, 2009.

Recommendation:* Approve Amendment 2 to Contract No. C07023 with the County of San Bernardino – San Bernardino County Museum for biological mapping services to extend the contract end date to November 1, 2009.

Background: In June 2005, the SANBAG Board directed staff to coordinate academic, institutional, and stakeholder participation in development of a strategy to minimize transportation project costs and delays associated with proximity to critical habitat. Based on this direction, SANBAG staff initiated meetings with interested parties from the academic community, institutions and data repositories such as the San Bernardino County Museum, and other interests in development of a strategy, separate from the Measure I Strategic Plan, to address this issue and to ensure that the Measure I 2010-2040 transportation program is not the unintended principal source of funding to mitigate the impacts of land development on endangered species habitat.

A contract with the County Museum to provide biological mapping services was approved by the SANBAG Board on July 5, 2006. The purpose of this contract is to work with staff at the County Museum to collect and assemble data in support of biological mapping needs that would allow for a more comprehensive assessment of habitat and species data. Currently, there is no comprehensive countywide mapping of biological resources that can be used as the basis of land

*Approved
 Board of Directors*

Date: May 6, 2009

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

use and transportation planning by local jurisdictions and SANBAG. This results in a more fragmented approach to coordinating land use and transportation facility location decisions, a process that is becoming increasingly complex.

Approval is requested for Amendment 2 to Contract No. C07023 with the County of San Bernardino – San Bernardino County Museum to extend the contract end date to November 1, 2009, an additional 6 months beyond the current contract end date. Substantial progress has been made by the Museum in assembling various habitat and species data sets, and GIS (Geographic Information Systems) datasets on four species types have been delivered, along with documentation on the data collection and analysis process. However, funds are available for the Museum to create additional datasets and to develop a more integrated set of base maps. No changes are requested to the contract budget.

Financial Impact: This action has no financial impact on the SANBAG budget. Task TN 11209000, Regional Growth Forecast Development

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on April 15, 2009.

Responsible Staff: Steve Smith, Chief of Planning
Ty Schuiling, Director of Planning and Programming

SANBAG Contract No. C07023-02
by and between
San Bernardino Associated Governments
and
County of San Bernardino
for
Biological Mapping Services

FOR ACCOUNTING PURPOSES ONLY

<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # _____ Vendor ID _____	Retention: <input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No	<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment
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Notes:

Original Contract: \$ <u>138,584</u>	Previous Amendments Total: \$ _____
	Previous Amendments Contingency Total: \$ _____
Contingency Amount: \$ _____	Current Amendment: \$ _____
	Current Amendment Contingency: \$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 138,584

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
<u>11209000</u>	<u>5553</u>	<u>TMEE</u>	_____	\$ <u>113,584</u>
<u>11209000</u>	<u>5553</u>	<u>LTF-Planning</u>	_____	\$ <u>25,000</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>7/5/06</u>	Contract Start: <u>11/1/06</u>	Contract End: <u>1/31/08</u>
New Amend. Approval (Board) Date: <u>5/6/09</u>	Amend. Start: <u>5/1/09</u>	Amend. End: <u>11/1/09</u>

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Thru Fiscal Year: <u>08/09</u> \$ <u>138,584</u>	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ <u>0</u>
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Is this consistent with the adopted budget? ☒ Yes ☐ No
 If yes, which Task includes budget authority? 11209000
 If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT

Please mark an "X" next to all that apply:

☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly Local

Disadvantaged Business Enterprise: ☒ No ☐ Yes _____ %

Task Manager: **Ty Schulling**

Contract Manager: **Steve Smith**

Steve Smith 4/9/09
 Task Manager Signature Date
[Signature] 4/21/09
 Chief Financial Officer Signature Date

Steve Smith 4/9/09
 Contract Manager Signature Date

Filename: C0702302css

**Amendment No. 2 To Contract No. C07-023
Biological Mapping Services**

By and Between

San Bernardino Associated Governments

And

County of San Bernardino, County Museum

This Amendment No. 2 to Contract No. C07-023 is hereby entered into and made effective this 6th day of May, 2009, by and between the San Bernardino Associated Governments (hereinafter referred to as "SANBAG") and the County of San Bernardino, County Museum (hereinafter referred to as "COUNTY").

WHEREAS, the County entered into a contract with SANBAG on the 1st day of November, 2006 to perform biological mapping services; and

WHEREAS COUNTY requires additional time to complete the work described in the Scope of Services of the contract;

NOW THEREFORE, COUNTY and SANBAG agree to amend the CONTRACT as follows:

1. Article 2 shall be amended as follows:
The Period of Performance by COUNTY under this Contract shall commence on November 1, 2006, and shall continue in effect for 36 months or until otherwise terminated or canceled as hereinafter directed, or unless extended by direction of SANBAG.
2. All other portions of this CONTRACT which are not altered by this amendment shall remain in full force and effect and are incorporated herein by this reference.

IN WITNESS WHEREOF, the authorized parties have below signed and executed this Amendment to the CONTRACT;

COUNTY OF SAN BERNARDINO

By: _____
Gary C. Ovitt, Chairman,
Board of Supervisors

Dated: _____

Approved as to legal form

County Counsel

Dated: _____

**SAN BERNARDINO ASSOCIATED
GOVERNMENTS**

By: _____
Gary C. Ovitt President

Date

Approved as to Form:


Jean-Rene Basle, SANBAG Counsel

4-20-09
Date

-
- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 8

Date: May 6, 2009

Subject: Environmental Justice Goods Movement Study

Recommendation:* Receive information on the Environmental Justice Goods Movement Study

Background: As a follow-on effort of the Multi-County Goods Movement Action Plan Caltrans awarded the Riverside County Transportation Commission (RCTC) an Environmental Justice Context Sensitive Planning Grant. The purpose of the grant was to identify potential solutions to the community impacts of goods movement in greater depth than would be possible with the funding available in the Action Plan. Both the Los Angeles County Metropolitan Transportation Authority (MTA) and SANBAG co-sponsored the effort. The study was guided by a technical advisory committee consisting of representatives from RCTC, MTA, SANBAG, Caltrans, local jurisdiction planning staff, the railroads, community advocates, and the industrial development community.

The key deliverable for the project was the creation of "Healthy Communities and Healthy Economies: A Toolkit for Goods Movement," which can be utilized as a resource for community groups and agencies to develop short-, medium-, and long-term strategies for reducing the impact of goods movement. In addition, the toolkit identifies the types of goods movement impacts that may occur (air quality, health, traffic/truck circulation, land use, noise) and matches the impacts with solutions that may help to resolve these issues. A full copy of the "Healthy Communities, Healthy Economies" toolkit can be made available upon request. The toolkit will also be made available on the SANBAG website for communities and agencies to download and use.

*Approved
Board of Directors*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Throughout the development of the toolkit, Los Angeles, Riverside and San Bernardino Counties engaged environmental justice communities to gain a better understanding of type of impacts faced in these communities, how these communities were dealing with the impacts and what specific potential mitigation opportunities could be used to address their impacts.

The environmental justice community engaged within San Bernardino County was the community of South Colton. Over the past seven months SANBAG and the project's consultant facilitated meetings with a Community Feedback Group (CFG) as part of the study. A total of four meetings were held with the community members throughout the duration of the study. One of the project deliverables was a Summary Report of the CFG processes and outcomes. The summary of the CFG process used by the consultant for the study and the localized impacts and solutions identified through the Colton CFG has been included as Attachment 1 of this agenda item. The complete Summary Report including information for all of the CFGs included in the study can be obtained from the Appendix A of the "Healthy Communities and Healthy Economies" toolkit.

Throughout the four meetings with the Colton CFG, the two primary concerns expressed repeatedly by the group were safety and noise. The perception by the community was that the train traffic presented a significant safety concern to the residents in the area, as children and others would cross the rail lines at unsafe or non-designated locations. Moreover, an industrial spur rail line runs down the middle of a residential street. Although not a high volume line, the location of the industrial spur line does present a number of conflicts. The second concern, noise, is another significant impact experienced by residents in the area. The community is bounded by both the BNSF and UP rail lines and there are a number of at-grade crossings in-and-around the area, creating the perception by the community that the noise is constant. The short-, mid- and long-term strategies identified with the CFG in Colton could provide significant improvements to residents' quality of life, but each strategy comes with a cost. One of the continuing efforts for the residents, City, business and government partners will be to identify funding opportunities to implement the strategies. SANBAG appreciates the efforts provided by the City of Colton to arrange for the meetings with the South Colton community.

Board Agenda Item
May 6, 2009
Page 3

Financial Impact: This item is consistent with the adopted FY 2008/2009 Budget. TN11109000 Freight Movement.

Reviewed By: This item was reviewed by the Plans and Programs Committee on April 15, 2009.

Responsible Staff: Ty Schuiling, Director of Planning and Programming

Environmental Justice Analysis and Outreach Study

SUMMARY REPORT: PROCESS AND OUTCOMES

Prepared for:

California Department of Transportation
Los Angeles County Metropolitan Transportation Authority
Riverside County Transportation Commission
San Bernardino Associated Governments

Prepared by:

MIG, Inc.
ICF International
In association with UltraSystems

MARCH 30, 2009

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introduction

Southern California is our nation's largest and most important center for transferring and moving merchandise from container ships to people throughout the country. It is an international gateway for foreign trade. This area connects cities throughout the country to manufacturers and markets in Asia and Mexico. "Goods movement", put simply, is the transfer of merchandise from one location to another location. But the moving parts are many and complex.

Millions of Southern California residents and businesses purchase merchandise and thousands of manufacturers produce goods for U.S. and international consumption. The result: a massive goods movement network or infrastructure, including ports, airports, railyards, and distribution centers, connected by a large system of truck routes and rail lines.

Goods movement benefits the economy of the area by supporting hundreds of thousands of jobs and providing state and local tax revenues. But goods movement also has negative effects, causing air pollution, noise, traffic jams, safety problems, and visual blight. These impacts are most felt by people who live near cargo centers, freeways, and railways—and these communities are predominantly low-income and minority, raising concerns about environmental justice.

The Southern California Association of Governments (SCAG) estimates that, over the next 20 years, overall freight volumes in the region will at least double and possibly triple. This will elevate the region's status as the most important gateway for international trade and the importance of goods movement to the region's economy and overall prosperity, but will also increase impacts on our environmental justice communities. What can be done to better understand the impacts experienced by these communities? What are the potential solutions that can be applied to these impacts? What roles can the full range of stakeholders have in these solutions? How can all of these stakeholders—including community members, industry representatives, public agencies, and more—work together to reduce these impacts and preserve or improve quality-of-life, all while supporting an important economic engine for the region?

STUDY OVERVIEW

The purpose of the Environmental Justice Analysis and Community Outreach Study was (a) to expand the region's understanding of goods movement impacts on communities of concern, and (b) to identify strategies for the region and within prototype communities to address these impacts and maintain or enhance quality-of-life, all while supporting the expansion of goods movement.

The Study objectives included:

- Creating meaningful environmental justice and goods movement information for the Southern California region
- Combining community insight and experiences with goods movement impacts in environmental justice communities with the latest and best data about impacts and mitigation strategies
- Creating a practical "toolkit" for use among all stakeholders—particularly community members—that:
 - addresses regional and localized needs;
 - is grounded in current data;
 - produces measurable and lasting results;
 - and is updateable in the future.

The Study represented a partnership of Southern California transportation and regional planning agencies including Caltrans Districts 8 and 12, Riverside County Transportation Commission, Los

Angeles County Metropolitan Transportation Authority, and San Bernardino Associated Governments. The Study team of consultants led by MIG, Inc. included ICF International and UltraSystems. The Study was funded by a Caltrans Environmental Justice Planning Grant.

APPROACH AND PROCESS OVERVIEW

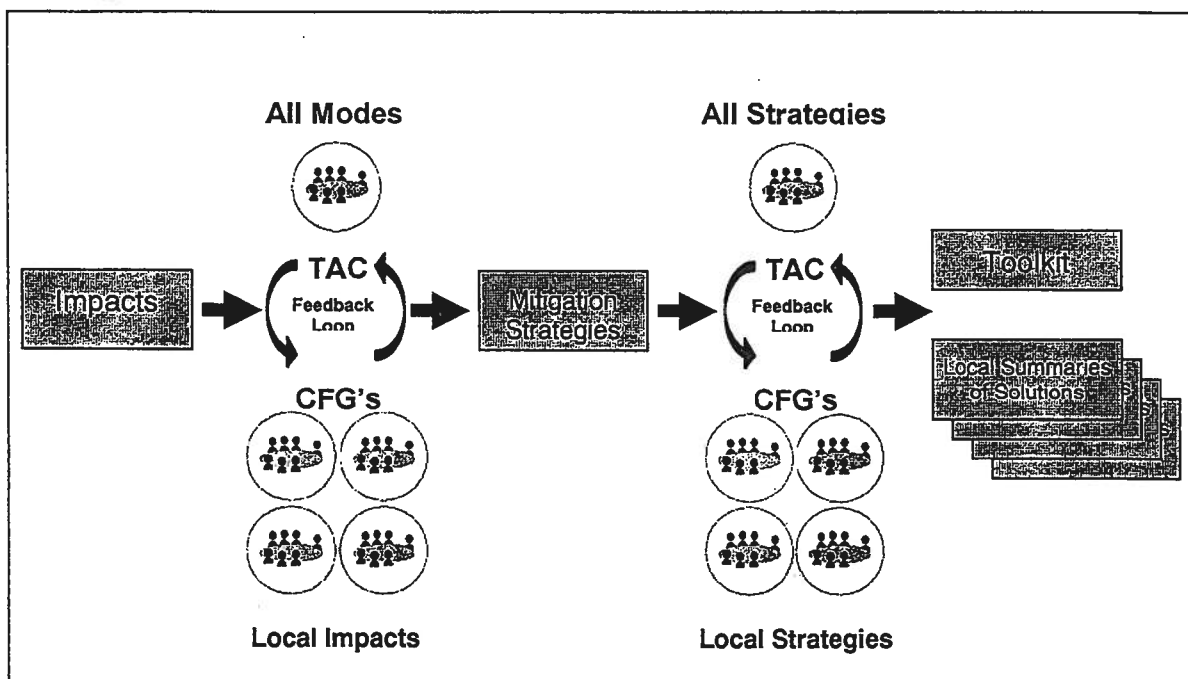
The Study approach integrated technical analyses from recently-developed plans such as the Multi-County Goods Movement Action Plan (MCGMAP) and best practices and solutions for environmental justice issues, all of which was coordinated with a broad-based community outreach approach involving technical experts and representatives of impacted communities.

- A **Technical Advisory Committee (TAC)** of experts and community representatives provided overall guidance to the study team in developing data and outcomes. Members included representatives of the participating transportation commissions, staff from local agencies including planning, public works and public health, representatives of goods movement industries, and community members involved in the Study's localized analysis of goods movement impacts in case study communities.
- A total of four (4) **Community Feedback Groups (CFGs)** of experts and community representatives—one group for each case study community—also provided guidance to the Study's localized analysis of goods movement impacts. Membership in each CFG was similar to the TAC, but focused on localized stakeholders. Some CFG members also served on the TAC, though all CFG members were invited to do so.

The TAC and CFGs guided the Study process in a continuous feedback loop that is summarized simply in the following steps:

- Identifying environmental justice communities
- Conducting an impacts analysis
- Identifying strategies and solutions
- Creating the "toolkit"

Following is a simplified graphic depiction of this process, and a more detailed description follows thereafter. A more detailed graphic depiction of the process is available at the end of this report.



Identifying Environmental Justice and Case Study Communities

Early in the process, the Study team conducted initial **consultations** with staff from the represented transportation commission agencies and stakeholders with a keen understanding of goods movement in their respective communities. The consultations provided early insight as to known goods movement facilities in their counties, as well as specific communities who may be considered environmental justice communities and experience disproportionate impacts.

The Study team **collected and mapped demographic data** for the Southern California region based on minority and low-income status, and applied the data in geographic information system (GIS) format. In this format, the data appeared in transportation analysis zones, or TAZs, which are defined geographic boundaries throughout the region. The TAZs were at a small enough scale to allow the Study team to view where environmental justice communities exist on maps of the region.

The Southern California region is one of the most diverse in both income and ethnicity. As such, and due to the relatively high cost of living, the Study team recommended use of TAZs that are greater than the regional average. With the minority population representing approximately 63% of the total population (2000 U.S. Census), the Study team recommended the following criteria to identify three levels of minority TAZs:

- 70-79% of the total population is minority
- 80-89% of the total population is minority
- Over 90% of the total population is minority

The Study team also recommended the following criteria to identify three levels of low-income TAZs:

- 30-39% of households have an income below \$25,000
- 40-49% of households have an income below \$25,000
- More than 50% of households have an income below \$25,000

The minority criteria resulted in selection of 41% of all SCAG TAZs, and the low income criteria resulted in selection of 38% of all SCAG TAZs.

The Study team then applied this data against the emerging data and recommendations from the **Multi-County Goods Movement Action Plan (MCGMAP)**, a multi-jurisdictional effort in the same study area. The MCGMAP is the "Master Plan" for the study area, representing a regional consensus-based framework for goods movement initiatives, including planned improvements, public policy and legislation regarding mitigation strategies, and funding and institutional arrangements. The Study team also reviewed the project applications for Trade Corridor Improvement Funds from each county transportation commissions to assess their locations related to identified environmental justice communities. As these projects are imminent and require development of mitigation strategies, the Study offered a unique opportunity to support those projects.

With feedback and guidance from the TAC, this collection of data and additional coordination and discussions with local communities by transportation commission staff led to identification of the following case study communities that represent the Study's Community Feedback Groups and their respective impacts for study:

- **Coachella Valley, Riverside County:**
 - The majority of the corridor features over 90% minority populations and more than 50% of households with income below \$25,000
 - Primary impacts: Emerging truck traffic on local highways, and potential development of an inland port centered on the local airport
- **Mira Loma, Riverside County:**

- o The adjacent communities include neighborhoods with 40-49% of households with incomes below \$25,000, and other neighborhoods with incomes with more than 50% of households below \$25,000
- o Primary impacts: Rail yard and rail operation impacts, truck traffic on local streets, and warehouse and distribution centers
- **City of Colton, San Bernardino County:**
 - o Many neighborhoods near goods movement facilities feature 30-39% of households with income below \$25,000, and 80-89% of the population are minorities
 - o Primary impacts: Rail line noise and street crossings
- **City of South Gate, Los Angeles County:**
 - o With a population of over 100,000, more than 90% of its residents are minorities and many pockets of the City have 30%-50% of households with incomes under \$25,000
 - o Primary impacts: Truck traffic on local streets, and warehouse and distribution centers

Conducting an Impacts Analysis

The purpose of the analysis was to summarize the best available data about the types of impacts from each goods movement facility type. The data provided a framework for identifying potential strategies and solutions that are best addressed at the local community level. The analysis organized data in the following structure:

- Economic
- Truck Routes
- Rail Lines
- Railyards
- Warehouses and Distribution Centers
- Ports

Additionally, the CFGs identified localized impacts from goods movement based on local experiences. Both the CFGs and the TAC provided feedback regarding the analysis outcomes and how to incorporate the data in the toolkit.

Identifying Strategies and Solutions

Based on the impacts analysis, the Study team provided the TAC and CFGs with **initial options for mitigation strategies**, which provided a framework for what strategies and solutions could be developed in detail as part of the toolkit, as well as those most pertinent to the CFGs' respective impacts.

After confirming the options for mitigation strategies, the Study team developed **detailed strategies**, providing general descriptions, benefits, challenges, and cost data for each strategy. Also included were more specific action steps that could be taken, as well as the potential partners and relative implementation timeframes and cost ranges. At the same time, the CFGs developed localized strategies for their respective impacts, which also informed development of the detailed strategies in the toolkit.

Creating the "Toolkit"

To bring all of the Study's work together, the Study team created the Toolkit, more formally titled: "Healthy Communities and Healthy Economies: A Toolkit for Goods Movement." Throughout the Study process, the Study team developed and refined an outline for the toolkit based on feedback from the TAC and CFGs. The Toolkit was structured as follows:

- Foreword: how to use the Toolkit
- Introduction: basic information about the goods movement system
- Economic impacts: benefits and jobs for the region
- Truck routes: description and impacts
- Rail lines: description and impacts
- Railyards: description and impacts

- Warehouses and distribution centers: description and impacts
- Ports: description and impacts
- Mitigation strategies: description and impacts
- How to get involved
- Where to go for more information

The TAC and CFGs reviewed two content drafts (data and information) followed by a final design draft (fully formatted with revisions from the content drafts). The Study's partner agencies provided final reviews prior to submitting to Caltrans as part of the grant requirements and distributing to local communities.

SUMMARY OF LOCALIZED STRATEGIES AND SOLUTIONS

The remaining portion of this report summarizes the potential strategies and solutions developed within the CFGs as part of this process. Overall, each CFG developed a range of strategies and solutions to address their respective impacts as follows:

- **Coachella Valley**, Riverside County: Emerging truck traffic on local highways, and potential development of an inland port
- **Mira Loma**, Riverside County: Railyard and rail operation impacts, truck traffic on local streets, and warehouse and distribution centers
- **City of Colton**, San Bernardino County: Rail line noise, and safety at street crossings
- **City of South Gate**, Los Angeles County: Truck traffic on local streets, and warehouse and distribution centers

Potential Local Strategies and Partners

Following are local strategies and potential partners organized by goods movement mode as identified by the CFG and recommended for consideration by the Study team. Also noted are estimates for the number of years and relative cost that may be necessary for implementation of each strategy. A general guide to the range of costs is as follows:

\$: less than \$10,000
\$\$: \$10,001 – \$100,000
\$\$\$: \$100,001 – \$1 million
\$\$\$\$: greater than \$1 million

A general guide to the relative timeframe to implement strategies is as follows:

Short: 0–5 years
Mid: 5–10 years
Long: 10+ years

RAIL LINES (NOISE)

Strategies	Timeframe	Relative Cost
Research ways to secure funding (for example, grants and new legislation) for programs which would help homeowners sound-proof windows and doors. Potential Partners: SANBAG, city, county	Short	\$
Explore opportunities with railroads for reduced horn use, frequency and or volume (similar to passenger rail levels) at specific locations—particularly in residential areas and on 9 th Street—that still meet FRA requirements. Potential Partners: Railroads, FRA, City	Short	\$
Explore opportunities with railroads to adjust positioning of horns on locomotives to reduce horn impacts on residential areas that still meet FRA requirements. Potential Partners: Railroads, FRA, City	Short	\$
Study the possibility of designating a section of 9 th Street and other areas as a “quiet zone.” Potential Partners: FRA, City, UP	Short	\$
Search for funding from legislation and grants for new rail crossing systems, compatible with quiet zone regulations. Potential Partners: SANBAG, City.	Short	\$
Study options for sound barriers—including native landscaping, berms, and walls—along property lines of affected sensitive land uses where possible, ensuring adequate safety access for rail operators. Target the 600 block of East M Street, and link to the development of the Colton Crossing project. Potential Partners: Railroads, City.	Mid	\$\$-\$\$\$

RAIL CROSSINGS

Strategies	Timeframe	Relative Cost
Study possibility of removing the 9 th Street rail line and relocating rail operations onto the BNSF line. Potential Partners: Railroads, FRA	Short	\$
Identify at-risk traffic intersections for pedestrians and vehicles. Potential Partners: City public works department, community members, railroads, Caltrans.	Short	\$
Study options to eliminate at-grade crossings in the community. Potential Partners: City planning and public works departments, community members	Short	\$
Study options to improve congestion levels at the Valley Blvd crossing. Potential Partners: City planning and public works departments, BNSF.	Short	\$
Work with state and federal agencies as well as rail operators to minimize safety hazards and congestion at rail crossings. Potential Partners: SANBAG, FRA, city public works department, railroads Caltrans.	Short	\$\$
Study feasibility and cost of installing four-quadrant gates at rail crossings, particularly on 9 th Street. Potential Partners: UP, FRA, City	Short	\$
Install four-quadrant gates at rail crossings. Potential Partners: Railroads, FRA, City	Mid	\$\$\$
Improve the Fogg Street undercrossing to improve public safety access. Potential Partners: BNSF, City	Mid	\$\$\$
Coordinate with state agencies and rail operators to select and implement additional crossing signal systems in the community including wayside horns and signage. Potential Partners: SANBAG, FRA, city public works department, railroads Caltrans.	Short-Long	\$\$\$

TRUCKS

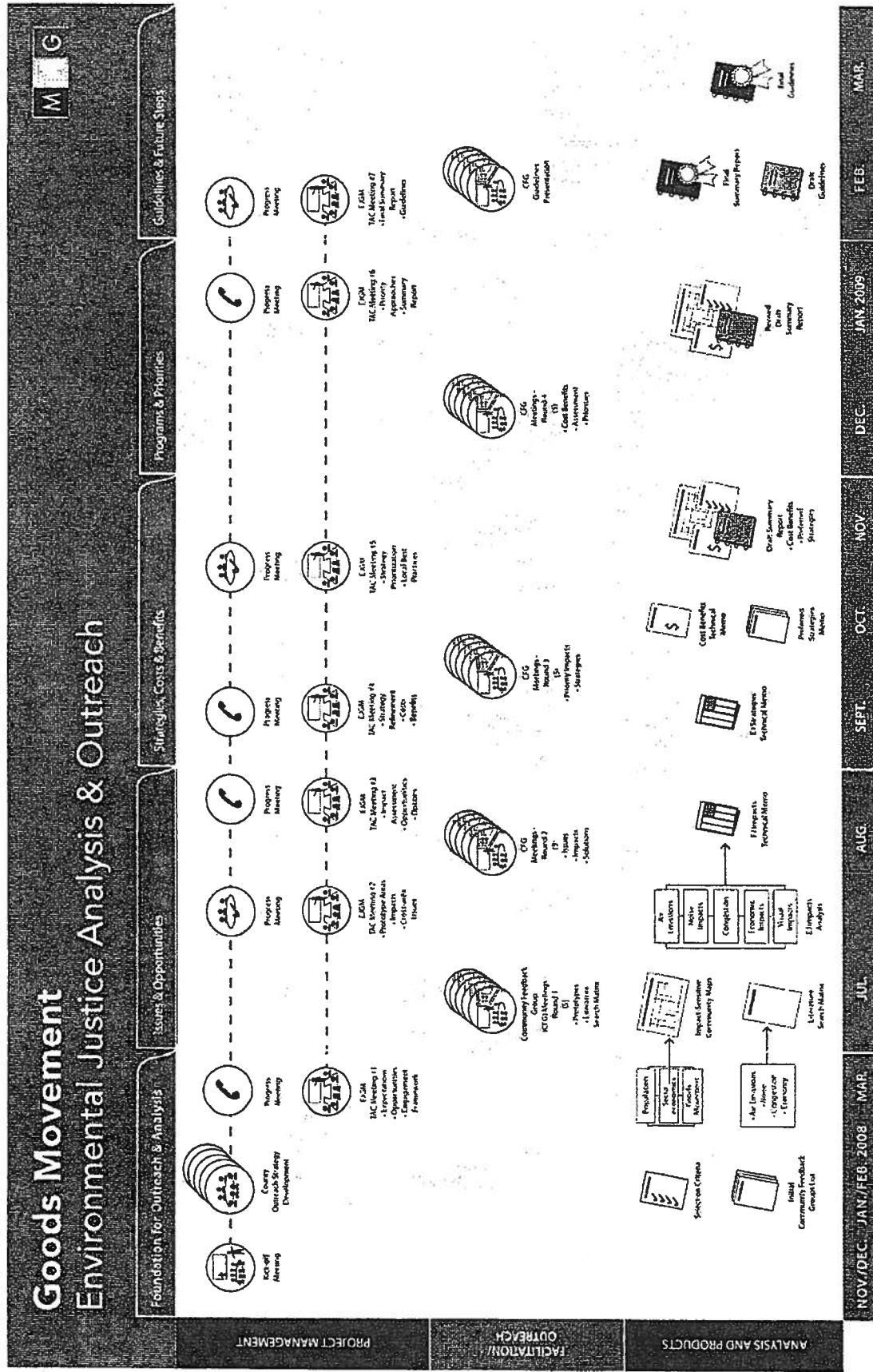
Strategies	Timeframe	Relative Cost
Study opportunities to change delivery hours of local trucking operators to minimize or eliminate travel during peak hours, particularly related to schools. Potential Partners: City, truck operators, local residents	Short	\$
Enforce current truck routes. Potential Partners: City police, truck operators	Short	\$

PUBLIC AWARENESS AND ACTION

Strategies	Timeframe	Relative Cost
Share info with the community about goods movement impacts and potential solutions to build support for taking action and promote safety. Potential Partners: City, local residents.	Short	\$
Document goods movement impacts with photos and maps to illustrate impacts. Potential Partners: City, local residents.	Short	\$
Build awareness of goods movement impacts on the community among local goods	Short	\$

Strategies	Timeframe	Relative Cost
movement operators. Potential Partners: City, local residents, railroads, truck operators.		
Partner with local schools to distribute information to youth and parents about safety and potential solutions to goods movement impacts. Potential Partners: City, school district.	Short	\$
Translate this document and other education materials into Spanish language with terms that are easy to understand. Potential Partners: SANBAG, City.	Short	\$

PROCESS GRAPHIC



-
- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 9

Date: May 6, 2009

Subject: Cooperative Agreement with the Southern California Association of Governments (SCAG) for Pass-Through and Management of Federal Metropolitan Planning (OWP) Funds

Recommendation:* Approve Amendment No. 2 to C08-015 amending the Continuing Cooperative Agreement (SCAG No. 07-019-S1) with SCAG to address use of in-kind local match and SCAG Overall Work Program (OWP) funding of RivSan Travel Demand Model Improvements within San Bernardino County in the amount of \$55,000 in OWP and in-kind match of \$7,128 for a total of \$62,126.

Background: The Continuing Cooperative Agreement with SCAG is a year-to-year legal instrument for the management of OWP funds that can remain unchanged except for scopes of work and annual funding amounts. This represents the basic funding agreement between SCAG and SANBAG for Fiscal Year 2008-2009.

The RivSan model improvement program is an ongoing multi-year effort to migrate the model to the Transcad platform and upgrade input data and modeling components. This agreement serves as the instrument by which match is provided for federal funding of this project.

Financial Impact: The Overall Work Program funds made available through this amendment to SCAG Agreement No. 07-019-S1 supplement funds previously budgeted in Task 20209000. They do not affect the SANBAG budget.

*

*Approved
Board of Directors*

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

Board Agenda Item
May 6, 2009
Page 2

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on April 15, 2009.

Responsible Staff: Ty Schuiling, Director of Planning and Programming

SANBAG Contract No. C08-015-02

by and between

San Bernardino Associated Governments

and

Southern California Association of Governments

for

Management of Federal Metropolitan Planning (OWP) Funds**FOR ACCOUNTING PURPOSES ONLY**

<input type="checkbox"/> Payable	Vendor Contract # <u>07-019-S-2</u>	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable	Vendor ID _____	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input checked="" type="checkbox"/> Amendment

Notes:

Original Contract: \$ <u>0</u>	Previous Amendments Total: \$ _____
Contingency Amount: \$ _____	Previous Amendments Contingency Total: \$ _____
	Current Amendment: \$ _____
	Current Amendment Contingency: \$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 0

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>07/11/07</u>	Contract Start: _____	Contract End: _____
New Amend. Approval (Board) Date: _____	Amend. Start: _____	Amend. End: _____

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: _____ \$ _____	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ _____
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Is this consistent with the adopted budget? ☒ Yes ☐ No
If yes, which Task includes budget authority? 20209000
If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT**Please mark an "X" next to all that apply:**☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly LocalDisadvantaged Business Enterprise: ☒ No ☐ Yes _____ %Task Manager: **Ty Schuiling**Contract Manager: **Ty Schuiling**

Task Manager Signature

Date

Contract Manager Signature

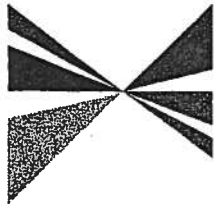
Date

Chief Financial Officer Signature

Date

Filename:

SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**

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Harry Baldwin, San Gabriel

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Jon Edney, El Centro

Immediate Past President

Gary Ovitt, San Bernardino County

Policy Committee Chairs

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Richard Dixon, Lake Forest

Community, Economic and

Human Development
Larry McCallon, Highland

Energy & Environment

Keith Hanks, Azusa

Transportation

Mike Ten, South Pasadena

January 3, 2009

Supervisor Gary C. Ovitt
San Bernardino Associated Governments
1170 West Third Street, 2nd Floor
San Bernardino, California 92410-1715

Subject: Amendment 2 to San Bernardino Associated Governments'
Continuing Cooperative Agreement (CCA) #07-019-S1 – FY
2008-2009

Dear Supervisor Ovitt:

This letter, if accepted by you, shall serve as Amendment 2 to the above referenced Agree`ment.

- A. "Exhibit A" is hereby amended by deleting it in its entirety and replacing it with a new "Exhibit A," attached hereto and incorporated herein by this reference.
- B. "Exhibit B" is hereby amended by deleting it in its entirety and replacing it with a new "Exhibit B," attached hereto and incorporated herein by this reference.
- C. Section 10 (Records Retention and Audits) is amended, in part, to revise paragraph "c" to read as follows:
 - c. The Subregion agrees to include all costs associated with this Agreement and any amendments thereto to be examined in the annual audit and in the schedule of activities to be examined under a single audit prepared by the Subregion in compliance with Office of Management and Budget Circular A-133.

In accordance with Office of Management and Budget Circular A-133, Subregions that are required to file a Single Audit report shall provide SCAG with a copy of the report by March 31st of each year.

In all other respects, the terms and conditions of the CCA shall remain in full force and effect.

If you are in agreement with the terms of this Amendment 2, please sign and return both original copies of this Amendment 2 to the attention of Leyton Morgan Manager of Contracts.

Page 2

The effective date of Amendment 2 shall be July 1, 2008. Once the parties have signed the Amendment, one fully executed copy will be mailed to you.

Contractual matters and correspondence should be directed to Leyton Morgan, Manager of Contracts, at (213) 236-1982.

Southern California Association
of Governments

San Bernardino
Associated Governments

By _____
WAYNE MOORE
Chief Financial Officer

By _____
GARY C. OVITT
President

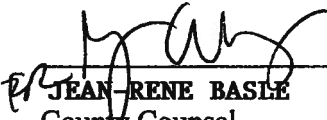
Date _____

Date _____

APPROVED AS TO LEGAL FORM:

APPROVED AS TO LEGAL FORM:

JOANNA AFRICA
Acting Chief Counsel/Director of Legal Services



JEAN-RENE BASLE
County Counsel

EXHIBIT A

Subregional Scope of Work

San Bernardino Associated of Governments

**Subregional Staff
Scope of Work & Budget**

09-010.132.03
(formerly 08-070.SBGS2)
RivSan Model Improvement – SANBAG
FY 08-09

Description of In-Kind Match for SCAG Consultant Projects

San Bernardino Associated Governments (SANBAG) will provide technical assistance to account for the 11.47% in-kind match required for this project. The in-kind match shall be \$7,128: $\$55,000 \text{ (Consultant Budget)} \div 88.53\% \text{ (Federal Allocation)} \times 11.47\% \text{ (Required Match)}$

Technical assistance shall be provided through the following work tasks:

Work Tasks	Budget
Review/update all model inputs including zones, socio-economic data and networks	\$1,426
Apply the new Subregional Modeling methodology to the inland area	\$1,782
Perform a model validation to insure the Model is performing properly	\$3,208
Produce a final report and user	\$713
Total	\$7,128

EXHIBIT B

Subregional Budget

Subregional Budget

Southern California Association of Governments

Fiscal Year 2008-2009 Subregional Budget

Subregion: **SAN BERNARDINO ASSOCIATED GOVERNMENTS**

CHART 1 - Subregional Staff Projects

WBS	Program Name	Description	SCAG Project Manager	Federal Amount	In-Kind Match	Cash Match	Total
		Total Subregional Staff					

CHART 2 - SCAG Consultant Projects

WBS	Program Name	Description	SCAG Project Manager	Federal Amount	In-Kind Match	Cash Match	Total
09-010.132.03 (Formerly 08- 070.SBGS1)	RivSan Model Improvement - SANBAG	Modeling	M. Ainsworth	55,000	7,126	0	62,126
		Total Subregional Consultant		55,000	7,126	0	62,126

Grand Totals: _____

Amount	In-Kind Match	Cash Match	Total
55,000	7,126	0	62,126

Minute Action

AGENDA ITEM: 10

Date: May 6, 2009

Subject: Nexus Study Annual Cost Escalation Factor

- Recommendation:***
- 1) Modify the cost escalation methodology as follows:
 - a) Approve use of an annual cost escalation factor for future updates to the Nexus Study, rather than the five-year rolling average currently used.
 - b) Establish 0% as the floor and 15% as the ceiling for the annual cost escalation factor.
 - c) Approve crediting any amount under the floor or over the ceiling toward the next year that has a rate of escalation above the floor or under the ceiling.
 - 2) Adopt 0% as the annual cost escalation factor for use in the Spring 2009 update to the SANBAG Development Mitigation Nexus Study
 - 3) Apply the -3.2% difference between the escalation factor and Caltrans Construction Cost Items Index as credit toward the next year of positive cost escalation.
 - 4) Allow jurisdictions to continue to extend the deferral of the 2008 cost escalation for one additional year, at their option.

Background: One of the requirements of the Development Mitigation Program approved by the San Bernardino County Congestion Management Agency (CMA) in November

*

Approved
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

2005 is an annual update of Nexus Study project costs. The Nexus Study defines requirements for development to mitigate its impacts on regional roadways in the San Bernardino Valley and Victor Valley. Nexus Study project costs are updated in one of two ways. In odd years, during the update of the CMP, a full Nexus Study update is to occur. The most recent full update of the Nexus Study and the CMP occurred in November 2007. In even years, a uniform cost escalation factor is applied to all of the arterial, grade separation and interchange projects contained in the Nexus Study. The cost escalation factor is required by the CMP to be uniform and applied consistently by all jurisdictions subject to the Nexus Study, so that jurisdictions keep pace with cost escalation, while avoiding inequities that could occur if individual cost escalation factors were allowed to be selected. The overall objective is to provide cost estimates that most reasonably reflect the anticipated costs of each project so that the development mitigation program can be administered fairly and equitably.

Modification of the Cost Escalation Methodology

Since 2005, the Board has approved the use of a five-year rolling average of the Caltrans Construction Cost Items Index to escalate the costs contained in the Nexus Study. The primary reason for the use of the rolling five-year average was that it provided local jurisdictions greater insulation from the volatility of an annualized escalation factor, and was principally in response to the high percentage increase in construction costs that occurred in calendar years 2004 and 2005, which witnessed 45.5% and 24.1% year-over-year escalation in costs, as depicted in Table 1. Cost escalation, factors of 12.7% and 12.9% were subsequently adopted by the Board for calendar years 2006 and 2007 and were substantially influenced by the lingering effects of the 2004-2005 escalation in costs.

Table 1. Escalation Factors from Caltrans Index

Year	CT Index	Annual	5-yr Avg.
2000	146.2	5.0%	
2001	154.1	5.4%	
2002	142.2	-7.7%	
2003	148.6	4.5%	2.9%
2004	216.2	45.5%	9.2%
2005	268.3	24.1%	12.9%
2006	280.6	4.6%	12.7%
2007	261.1	-6.9%	12.9%
2008	252.7	-3.2%	11.2%

The Caltrans cost index has recently been updated for calendar year 2008 and the annual average of the index shows a 3.2% decrease from 2007. If, however, the five-year rolling average was maintained for use in escalating 2008 costs, the five-year rolling average would be 11.2%. This can be seen in Table 1. The possibility of an increase in the escalation factor for a year when costs were actually decreasing was highlighted by staff when the five-year rolling average was first approved in 2006.

In the long run, there is little difference in the results between applying the rolling average versus applying individual yearly factors, but there may be significant differences in the outcome for individual years, as is the case for 2007 and 2008. To avoid the complications that arise from using the five-year rolling average, staff recommends using the actual single-year percent change in the annual Caltrans Construction Cost Items Index as the basis for adjusting costs in the Nexus Study. The use of the single year percent change in the Caltrans index may not provide complete protection against the volatility of the changes in construction cost, but outside of 2004 and 2005, the index has been relatively stable. Only one other period in the past thirty years resulted in construction cost escalation greater than 15% two years in a row, and that occurred in 1978 and 1979.

Last year, when SANBAG staff presented the idea of using a single year escalation factor rather than the rolling average, a number of jurisdictions expressed concerns that use of a single-year index on its own allows for greater volatility in both the escalation and de-escalation in fees. Jurisdictions presented to staff the challenges with implementing a volatile fee program, including such issues as reducing fees and issuing fee credits. Consequently, the preference for a number of jurisdictions was to maintain the five-year rolling average. SANBAG staff believes that this volatility can be effectively managed by establishing both a single-year cost escalation floor and ceiling. This will address the concerns some local jurisdictions have regarding escalation volatility. In the view of SANBAG staff, this is superior to the current rolling average methodology. It is more responsive to year-by-year changes in cost.

Therefore, it is recommended that the use of a single-year percent change in the annual Caltrans Construction Cost Items Index be coupled with an escalation floor of 0% and an escalation ceiling of 15%. Further, any amount of de-escalation would be credited against cost escalation in next year of positive cost escalation. For example, this year the proposed cost escalation rate is -3.2%. Instead of local jurisdictions being required to de-escalate their fee programs by 3.2%, the 3.2% would be used as a credit toward the next year of cost escalation. Thus, if the 2009 escalation rate was 5%, local jurisdictions would only be

required to escalate their fee programs by 1.8%. Likewise, escalation in excess of 15% would be applied to the next year of cost escalation that was less than 15%.

Adoption of the Annual Escalation Factor

As shown in Table 1, the Caltrans Construction Cost Items Index shows a -3.2% escalation factor for 2008. It is proposed to apply the -3.2% escalation factor for purposes of the Nexus Study update, subject to recommendations 1 and 3.

Deferral of 2008 Cost Escalation

At its May 7, 2008 Meeting, the Board provided local jurisdictions with the option of a one year deferral on cost escalation, with the understanding that jurisdictions selecting this option would be required to make up the escalation in calendar year 2009. A majority of the jurisdictions exercised the option to defer cost escalation and did not escalate their fees in 2008. However, a number of jurisdictions did implement the 12.9% cost escalation approved by the Board. Because of the two different categories of jurisdictions, approval of this item would:

1. For jurisdictions that deferred cost escalation for 2008 to 2009, provide the option to either increase their fees by 9.7% (the 12.9% escalation rate approved in 2008 minus the current proposed de-escalation rate of 3.2%) or continue the deferral for one year.
2. Allow jurisdictions that implemented cost escalation in 2008, through either escalating or re-benching their costs to maintain their current fee levels at their 2008 rates. A 3.2% credit would then be applied to the next year of cost escalation for these jurisdictions.
3. Allow jurisdictions that did not require escalation or re-benching, as they were able to demonstrate the sufficiency of the costs already included in their program, to maintain their current fee levels at their 2008 rates. A 3.2% credit would then be applied to the next year of cost escalation for these jurisdictions.

For either approach, jurisdictions will be required to provide a letter from their City Manager informing SANBAG of their decision. The letter will need to be received by SANBAG no later than June 1, 2009. SANBAG's proposal is in response to both the severe economic downturn and the likelihood that construction costs may continue to decline.

Financial Impact: This item is consistent with the adopted FY 2008/2009 Budget. TN20309000. The development mitigation program is an essential component of the funding contained in the Expenditure Plan for Measure I 2010-2040.

Board Agenda Item
May 6, 2009
Page 5

Reviewed By: This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on April 15, 2009

Responsible Staff: Ryan Graham, Transportation Planning Analyst
Steve Smith, Chief of Planning

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 11

Date: May 6, 2009

Subject: State and Federal Legislative Update

Recommendation:* Receive information regarding SANBAG's recent legislative advocacy efforts.

Background: The purpose of this item is to inform Board members about SANBAG's recent legislative advocacy efforts and to share information gathered during various meetings in Sacramento and Washington, D.C.

State Legislative Update

The California Transit Association held a Sacramento Lobby Day on March 25, 2009. The objective for the lobby day was to gain support for the restoration of the State Transit Assistance (STA) funds, which are used to fund transit operations costs, but was eliminated in the state's budget until at least 2013; support AB 729 (Evans), a bill that would provide design-build authority for transit facilities; and to support AB 1072 (ENG), a bill that would provide greater flexibility to use transit planning funds under Proposition 1B. SANBAG's Director of Intergovernmental and Legislative Affairs attended various sessions and voiced support of transit issues consistent to SANBAG's approved State Legislative Program.

Approved
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

Also, Governor Schwarzenegger recently announced the reappointments of Commissioners Jim Ghielmetti and John Joseph Tavaglione to the California Transportation Commission (CTC).

CTC later announced the selection of Bimla Rhinehart as the new executive director, replacing John Barna. Bimla has most recently served as the Chief of the Caltrans Division of Right of Way.

Federal Legislative Update

The Fiscal Year (FY) 2009 Omnibus Appropriations bill, which incorporates nine of the 12 spending bills that were not enacted last year -- including the Transportation, Housing and Urban Development (THUD) bill, which provides federal funding for SANBAG's transportation programs -- was adopted by Congress and signed into law by President Obama. In addition to honoring funding formulas stipulated by the current surface transportation authorization bill, known as the Safe, Accountable, Flexible Transportation Equity Act-Legacy for Users (SAFETEA-LU), the San Bernardino County region is authorized to receive discretionary funds for priority projects (please see Attachment #1).

Also, President Obama recently unveiled some of his budget priorities for FY 2010 (please see Attachment #2). While the full budget will not be available until the end of April, for transportation, one of the most concerning issues raised so far was the Administration's proposal to no longer score contract authority as budget authority for major transportation infrastructure programs and instead suggest that the government score the obligation limitations that are imposed on transportation programs in the annual appropriations bills approved by Congress. In response to this proposal, at least 14 members of Congress, including Senator Boxer, signed a letter requesting the President to repeal this proposal.

Coordination for Federal Stimulus Funds

SANBAG thanks its representatives in the state Legislature and in Congress for signing joint-delegation letters to support the I-215 Widening Project as a priority for federal funds provided by America's Recovery and Reinvestment Act of 2009 (ARRA).

With regards to a \$1.5 billion discretionary fund for transportation created by ARRA, U.S. Department of Transportation (USDOT) has yet to develop criteria to determine project eligibility. SANBAG continues to attend staff-level meetings regarding USDOT's implementation of ARRA and will provide updates to the Board as information become available.

Recent USDOT Appointments

The USDOT Maritime Administration has named John Hummer to head its new Northern California Gateway Office in San Francisco. Prior to this appointment, Mr. Hummer served as the State of California's deputy secretary for goods movement in the Business, Transportation, and Housing Agency.

Joel Szabat, originally from Sacramento, California, was named as Deputy Assistant Secretary (DAS) for Transportation Policy in the U.S. Department of Transportation. Szabat was previously a DAS in the department from 2002 through 2006 and then rejoined DOT in January 2008, after eighteen months as Chief of Staff of the Small Business Administration.

Financial Impact: Funding for SANBAG's legislative program is consistent with the adopted SANBAG Budget Task No. 50309000. Funding from the FY09 Omnibus Appropriation bill provides potentially positive impacts on SANBAG's transportation programs.

Reviewed By: This item was reviewed by the Administrative Committee on April 8, 2009 and is scheduled for review by the Board of Directors on May 6, 2009.

Responsible Staff: Jennifer Franco, Director Intergovernmental and Legislative Affairs

SAN BERNARDINO COUNTY DELEGATION TRANSPORTATION EARMARKS **Omnibus Appropriations Act of 2009**

San Bernardino Associated Governments (SANBAG) projects are highlighted.

Requester(s)	Project Description	Program	Amount
Baca	<i>I-10 Cherry and I-10 Citrus Interchange Reconstruction</i>	<i>Interstate Maintenance</i>	<i>\$475,000</i>
Baca	Transit Station Expansion Project (Metrolink Parking Lot), Rialto	Bus and Bus Facilities	\$285,000
Baca	I-10 at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor	Interstate Maintenance	\$475,000
Dreier	<i>Rancho Cucamonga, I-15 Baseline Road</i>	<i>Interstate Maintenance</i>	<i>\$712,500</i>
Dreier	Monrovia Transit Village Improvements	Bus and Bus Facilities	\$237,500
Dreier	Transit-Oriented Development along Gold Line Foothill Extension	Surface Transportation Priorities	\$237,500
Dreier (Shared with Rep. Schiff, Rep. Napolitano, Rep. Solis, & Senator Boxer)	Purchase CNG Buses for Foothill Transit	Bus and Bus Facilities	\$1,187,500
Dreier (Shared with Rep. Schiff, Dreier, & Rep. Solis)	San Gabriel Trench Grade Separation Project	Grade Crossings on Designated High Speed Corridors	\$1,235,000
Dreier (Shared with Rep. Schiff & Rep. Solis)	Alameda Corridor East Grade Separations	Surface Transportation Priorities	\$570,000
Lewis	<i>Needles Highway</i>	<i>Federal Lands (Public Lands Highways)</i>	<i>\$3,800,000</i>
Lewis	<i>Ranchero Road Corridor Project</i>	<i>Interstate Maintenance</i>	<i>\$650,750</i>
Lewis	Portero Boulevard/SR 60 Interchange	Surface Transportation Priorities	\$855,000
Lewis	Environmental Design for I-215/University Parkway Project	Interstate Maintenance	\$508,250
McKeon	<i>Lenwood Road Grade Separation Project</i>	<i>Surface Transportation Priorities</i>	<i>\$237,500</i>
McKeon	Rancho Vista Blvd (Ave P) Project, Palmdale	Surface Transportation Priorities	\$475,000
McKeon (Shared with Sen. Boxer)	Santa Clarita Cross Valley Connector	Surface Transportation Priorities	\$570,000
McKeon	Palmdale Transportation Center Metrolink Platform Extension	Bus and Bus Facilities	\$380,000
Gary Miller	SR-91 Congestion Relief Project, Orange County	Interstate Maintenance	\$237,500
Gary Miller	Antonio Parkway Rehabilitation, Rancho Santa Margarita	Transportation, Community, and System Preservation	\$95,000

A NEW ERA OF RESPONSIBILITY: RENEWING AMERICA'S PROMISE

The U.S. Department of Transportation 2010 Budget

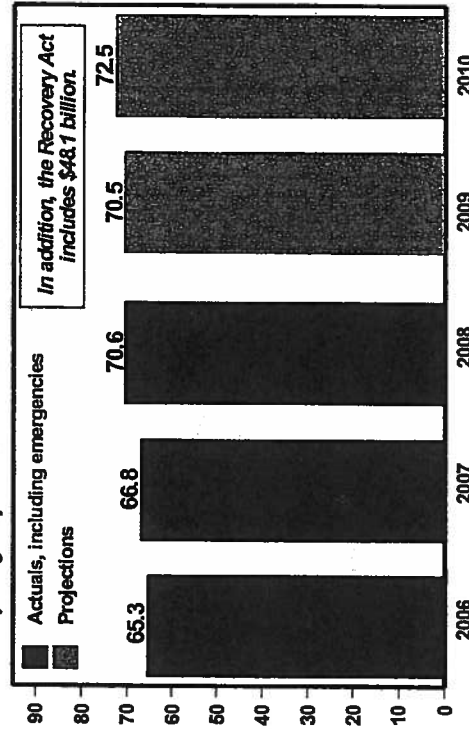
"We need to remake our transportation system for the 21st Century. Doing so will not only help us meet our energy challenge by building more efficient cars, buses, and subways or make Americans safer by rebuilding our crumbling roads and bridges – it will create millions of new jobs in the process."

-- President Barack Obama

The President's Fiscal Year 2010 Budget includes \$72.5 billion for the Department of Transportation. The Administration intends to work with Congress to reform surface transportation programs to improve the system's financial viability, enhance transit options, and generate better investments to reduce congestion and improve safety. Key priorities for the Administration include promoting public transit and better targeted spending to help communities explore innovative solutions like road pricing to reduce congestion. The Budget advances infrastructure modernization initiatives like Next Generation Air Transportation System (NextGen) and a new federal commitment to high speed rail -- a priority that also received funding from the Recovery Act.

Department of Transportation

Discretionary budgetary resources in billions of dollars



Note: In 2010, and outyear estimates, surface transportation programs grow by baseline inflation factors. See above for a more detailed explanation of the administration's position regarding surface transportation reauthorization.

Information prepared by the White House Office of Management and Budget
Peter R. Orszag, Director
www.whitehouse.gov/omb

The U.S. Department of Transportation Budget Highlights

TARGETED SURFACE TRANSPORTATION FUNDING AND INNOVATIVE SOLUTIONS

Targets surface transportation spending and emphasizes options to make our communities more livable and less congested. Surface transportation programs are at a crossroads. The current framework for financing and allocating surface transportation investments is not financially sustainable; nor does it effectively allocate resources to meet our critical national needs. The Administration intends to work with Congress to reform surface transportation programs both to put the system on a sustainable financing path and to make investments in a more sustainable future, enhancing transit options and making our economy more productive and our communities more livable. Further, our surface transportation system must generate the best investments to reduce congestion and improve safety. To do so, the Administration will emphasize the use of economic analysis and performance measurement in transportation planning. This will ensure that taxpayer dollars are better targeted and spent.

HIGH-SPEED RAIL NETWORKS

Initiates a new federal commitment to high speed rail. To provide Americans a 21st Century transportation system, the Administration proposes an 5 year \$5 billion high-speed rail State grant program. This proposal marks a new federal commitment to give the traveling public a practical and environmentally sustainable alternative to flying or driving. Directed by the states, this investment will lead to the creation of several high-speed rail corridors across the country linking regional population centers.

MODERNIZES AIR TRAFFIC CONTROL

Improves Aviation Transportation. The Budget provides \$800 million for the Next Generation Air Transportation System (NextGen), a long-term effort to improve the efficiency, safety, and capacity of the air traffic control system. The 2010 Budget supports moving from a ground-based radar surveillance system to a more accurate satellite-based surveillance system; development of more efficient routes through the airspace; and improvements in aviation weather information.

Improves rural access to the aviation system. The Administration is committed to maintaining small communities' access to the National Airspace System. The Budget provides a \$55 million increase over the 2009 level to DOT to fulfill current program requirements as demand for subsidized commercial air service increases. However, the program that delivers this subsidy is not efficiently designed. Through the budget process, the Administration intends to work the Congress to develop more sustainable program model that will fulfill its commitment while enhancing convenience for travelers and improving cost effectiveness.

IMPROVES TRANSPARENCY

Making budgetary treatment of transportation programs more transparent. To more transparently display program resources, the Administration proposes changing the budgetary treatment of transportation programs to show both budget authority and outlays as discretionary. For 2009, the discretionary budget authority top line would be increased by approximately \$53 billion, increasing the Department of Transportation budget authority total from \$17 billion under the typical presentation to \$70 billion. Similar budget authority adjustments would be made for each out year. The change would not affect outlays or the deficit or surplus.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 12

Date: May 6, 2009

Subject: Surface Transportation Reauthorization Update

Recommendation:* Receive information regarding SANBAG's efforts to respond to a call for projects for the next surface transportation reauthorization bill.

Background: The current transportation reauthorization bill, known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) prescribes annual federal funding levels for transportation during Fiscal Years (FY) 2003 – 2009, and will expire on September 30, 2009. Chairman Oberstar and Ranking Member Mica have publically said that they want the Transportation and Infrastructure Committee to markup a new bill for surface transportation authorization before the end of May.

During recent meetings in Washington, D.C. with Jim Kolb, staff director of the House Transportation and Infrastructure Subcommittee on Highways and Transit, SANBAG received information about ongoing efforts to draft the new surface transportation reauthorization bill by the end of May 2009. The current program, SAFETEA-LU, has lost creditability to deliver projects and the state of Highway Trust Fund, which is the nearly bankrupt revenue source for many transportation programs, is an issue, said Kolb. Committee staff is evaluating the possibility of making significant changes to the programmatic framework of the new authorization bill, which may include performance measures, to help assure the

*

*Approved
Board of Directors*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

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Attachments:

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50309000

delivery of national priorities. Ultimately, the Committee is looking to quantifying “x” number of projects which will be delivered within the next five to six years.

Likewise, during recent meetings in Washington, D.C. with Kathy Dedrick, a senior policy director for the Senate Environmental and Public Works Committee, SANBAG received information that the Senate will also draft its own version of the next transportation reauthorization bill. Typically, the Senate version of the transportation reauthorization bill is released after the House version of the bill.

In anticipation of a soon-coming call for projects for the new reauthorization bill, Representative Gary Miller contacted transportation stakeholders within his district to provide him with information by Friday, April 3, 2009 concerning potential transportation projects for reauthorization. As part of this process, Rep. Miller requested that the completion of a project questionnaire (please see Attachment #1), support letters from your organization and from the community for any (and all) projects that are being submitted, and completion of an earmark disclosure document. As of April 17, 2009, Congressman Miller requested for any agencies that submitted projects to him earlier in the month to resubmit those projects using a form provided by the House Transportation and Infrastructure (T&I) Committee.

In response to Rep. Miller’s request, SANBAG’s submitted applications for SANBAG board approved projects for reauthorization include projects on along the I-15 corridor, projects along the I-10 Corridor, projects along the Alameda Corridor East, a public-private-partnership project and transit projects.

Two weeks ago, other members from our Congressional delegation also released a call for projects, with deadlines prior to the end of April. At time of print of this agenda item, SANBAG was preparing drafts for project submittals. Additionally, SANBAG was in the process of responding to Congressman Miller’s request to resubmit projects using the House T&I form.

SANBAG has been working with its member jurisdictions to help provide support for Board approved projects for its reauthorization strategy and letters to verify projects are listed in a long-term transportation plan. (Please see Attachment #2 for projects included in SANBAG’s reauthorization strategy).

Review

SANBAG adopted principles and projects for its reauthorization strategy in February 2009. Prior to approving this strategy, SANBAG established a guideline to identify potential projects for reauthorization (please see Attachment #3) reviewed proposals during policy committees during December and January 2009.

Financial Impact: Funding for SANBAG's legislative program is consistent with the adopted SANBAG Budget Task No. 50309000. This item might have a potential positive impact on SANBAG's transportation programs.

Reviewed By: This item was reviewed by the Administrative Committee on April 8, 2009 and is scheduled for review by the Board of Directors on May 6, 2009.

Responsible Staff: Jennifer Franco, Director of Intergovernmental and Legislative Affairs

ATTACHMENT #1

Questionnaire

INSTRUCTIONS:

Please answer every question completely. Incomplete questionnaires will result in the delay of the project request and Congressman Miller may not be able to submit your request for Committee Approval. In addition to the materials requested as part of the questionnaire, please provide a separate letter of support for the request from the requesting entity for each project requested. Each project request must be submitted with its own questionnaire, letters of support, and earmark certification form. Do not combine projects into one letter or form. *This questionnaire and any materials provided to Congressman Miller's office may be made public at anytime during the request process.*

Project Name:

Requesting Entity:

Entity Address:

Entity Staff Contact Person (Name, Phone, Email):

Official Responsible for Request:

Lobbyist/Consultation Contact Person (Name, Phone, Email, Mailing Address):

PROJECT DESCRIPTION:

1. Describe the total project and include a map of the project location.
2. Is it part of a larger system of projects and if so describe the larger system?
3. Please identify the specific segment for which project funding is being sought, including terminus points.
4. Describe specifically the circumstances within the area that created a need for the project.
 - *Example: A new school and senior center was recently built along Columbia Pike creating increased traffic flow during the mornings and afternoons, exacerbating the already heavy rush hour traffic due to the nearby jobs center...*
5. Describe the economic, environmental, congestion mitigation, and safety benefits associated with completion of the project.
6. Does the project have national significance and/or regional significance? Describe.
7. Please describe why funding this project is good use of federal taxpayer funds. In your description, please include the federal nexus for the project including why it is the responsibility of the federal government to fund such a project.

PROJECT ELIGIBILITY, PLAN, STATUS, and SUPPORT:

8. If the project is a highways project, identify the State or other qualified recipient responsible for carrying out the project.
9. If the project is a transit project, please identify the name and address of the project sponsor (must be an eligible recipient of Federal transit funds).

10. Is the project eligible for the use of Federal-aid highway or transit funds under Title 23 or Title 49 of the United States Code?
11. If so, what specific programs are you requesting funds from?
12. If the project is a highway or bridge project, is it on the State or National Highway System?
13. Is the project considered by the State and/or regional transportation officials as critical to their needs? Please provide a letter of support from these officials, and if you cannot, explain why not.
14. Is the project supported by the community, region, etc? If so, please provide letters of support for federal funding for the project.
15. Is the project part of the State's long-range plan?
16. Is the project included in the metropolitan and/ or State Transportation Improvement Program(s)?
17. What is the proposed schedule and status of work on the project?
18. What is the current stage of development of the project? (If the project is a transit new start, please specify whether the project is in alternative analysis, preliminary engineering, final design, has been issued a record of decision, under environmental review, or already has a current full funding grant agreement.)
19. Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles? If yes, please describe in detail.

PROJECT COST AND FUNDING HISTORY:

20. Has the sponsoring entity requested funding for this project from Congressman Miller? If so, please include the funding amounts requested, the year the request was made, and if funding was provided.
21. Has the sponsoring entity requested funding for this project from other Members of Congress or Senators? If so, please include funding amounts requested, the year of each request, the funding amounts received, and staff contacts.
22. What is the total estimated cost of the project?
23. What dollar amount are you requesting in the authorization for this project or segment of a project?
24. Does the sponsoring entity understand that federal funding will likely be spread out over a series of years and will not likely be allocated all at one time?
25. Does the sponsoring entity plan to provide local matching funds if federal law requires? What will be the source of such funds?
26. Will the requested funding for the project be obligated within the next five or six years?

27. Has the project or any portion of the project, already received funding through the State's federal-aid highway or transit formula apportionments or from other Federal, State, or local funds? If yes, how much, from what source, and when was this funding provided? If the funding request is only for a specific segment of a larger project, please also describe the funding sources for other segments or portions of the project.
- *Example: Requested funding is to revitalize Columbia Pike from Glebe Road west to Carlin Springs Road. This project segment has received \$0 from federal, state, and local funding sources. However, the segment of Columbia Pike going east from Glebe to Army Navy Drive has received \$50 million in federal funding from the Surface Transportation Program, \$25 million in state funding, and \$25 million in local funding. The local funding is comprised of 50% developer fees and 50% local sales tax.*
28. Has the project already received or plans to receive funding or support from a private source? If yes, how much and from what source? If the funding request is only for a specific segment of a larger project, please also describe the funding sources for other segments of the project. If this is a joint use project with an outside entity, please describe the use and funding agreement.
- *Example: 50% of the project funding will come from a local match. This local match will be comprised of fees derived from transportation impact fees and developer fees paid by Developer X. In addition, as part of the development agreement, Developer X has agreed to install new traffic lights, new gutters, and new sidewalks along Columbia Pike, including within the project segment area and outside of the project segment.*
29. Has the project received funding in a previous authorization or appropriations act?
30. If the project has received funding in a previous authorization or appropriations act, please cite the act(s) and amount(s) authorized and which Members of Congress supported such funding.

This questionnaire is complete, the requesting entity has provided all necessary support letters and documents, and is submitting this request for consideration for federal funding.

Signed: _____(Responsible Official)_____ Date: _____

ATTACHMENT #2

Board Approved SANBAG Reauthorization Requests (\$737 Million)

SANBAG's reauthorization strategy is part of a multi-faceted approach to securing funding and includes the following capital improvement projects. Projects listed below are regionally significant projects that are aligned with National Corridors and Trade Corridors of National Significance. In addition, included are key transit facilities. The board approved reauthorization requests are shown below. Projects that are ***bold and italicized*** have been prioritized within a given corridor.

TOTAL I-15 CORRIDOR REQUESTS (\$276 Million) TO INCLUDE:

- ***#1 Priority Request:***
Interstate I-15/I-215 Devore Interchange, San Bernardino County
Estimated Total Project Cost: \$369 Million; Requested Authorization: \$151 Million
- ***#6 Priority Request:***
I-15 Mainline Expansion between SR-60 and I-10, San Bernardino County
Estimated Total Project Cost: \$100 Million; Requested Authorization: \$50 Million
- ***#4 Priority Request:***
"The Economic Stimulus Interchanges: I-15/Nisqualli-LaMesa AND I-15/Ranchero Rd"
Estimated Project Cost: \$153 Million (\$93/\$60 Million respectively)
Requested Authorization: \$75 Million
- I-15/Baseline Road, interchange, Rancho Cucamonga
Estimated Total Project Cost: \$43 Million
- I-15/Eucalyptus, interchange, Hesperia
Estimated Total Project Cost: \$50 Million
- I-15/Joshua/Muscatel, interchange, Hesperia
Estimated Total Project Cost: \$50 Million

TOTAL I-10 CORRIDOR REQUESTS (\$120 Million) TO INCLUDE:

- ***#2 Priority Request:***
1-10 Mainline High Occupancy Vehicle (HOV) Lanes, between I-215 and SR-210
Estimated Total Project Cost: \$200 Million; Requested Authorization: \$100 Million
- ***#3 Priority Request:***
Interstate 10/Cedar Avenue, interchange, Colton/Rialto
Estimated Total Project Cost: \$49 Million; Requested Authorization: \$20 Million
- Interstate 10/University, interchange, Redlands
Estimated Total Project Cost: \$5.51 Million
- Interstate 10/Alabama, interchange, Redlands
Estimated Total Project Cost: \$27 Million
- Interstate 10/Mt. Vernon, interchange, City of San Bernardino
Estimated Total Project Cost: \$32 Million

TOTAL ALAMEDA CORRIDOR EAST CORRIDOR PROJECTS (\$27 Million) TO INCLUDE:

- **#5 Priority Request:**
Lenwood Grade Separation, Barstow
Estimated Total Project Cost: \$26 Million; Requested Authorization: \$12 Million
- **#7 Priority Request:**
Vista Rd Grade Separation
Estimated Total Project Cost: \$34 Million; Requested Authorization: \$15 Million

TOTAL PUBLIC PRIVATE PARTNERSHIPS PROJECTS (\$148 Million) TO INCLUDE:

- **High Desert Corridor, Victorville**
Estimated Total Project Cost: \$900 Million; Requested Authorization: \$148 Million

TOTAL TRANSIT PROJECTS (\$166 MILLION) TO INCLUDE:

#1 Priority – E Street sbX BRT (Bus Rapid Transit Project)
Estimated Total Project Cost: \$192 million; Requested Authorization: \$50 million

#2 Priority – Positive Train Control
Estimated Total Project Cost: \$150 million; Requested Amount: \$30 million

#3 Priority – VVTA Administrative, Operations & Maintenance Facility
Estimated Total Project Cost: \$42 million; Requested Amount: \$10 million

#4 Priority – San Bernardino Transit Station
Estimated Total Project Cost: \$25 million; Requested Amount: \$16 million

#5 Priority – Redlands Rail Project
Estimated Total Cost \$228 million; Requested Amount: \$60 million

Guidelines for Identifying Projects for Federal Reauthorization

San Bernardino Associated Governments (SANBAG) is formulating a strategy for the next transportation reauthorization bill, which is likely to include an opportunity to advocate for specific projects. Please assist SANBAG with identifying potential projects that will improve and maintain our existing transportation infrastructure in a manner that meets regional and national priorities by utilizing the criteria below:

- ***The nominated project is in the latest approved, conforming Regional Transportation Plan (RTP) AND in the Measure I (2010-2040) Expenditure Plan. (YES/NO)***
Inclusion of a project in the approved, conforming RTP and in the Measure I expenditure plan demonstrates regional need, a financial commitment, and consistency with requirements to improve air quality.
- ***The nominated project has completed National Environmental Protection Act (NEPA) clearance or is in the clearance process. (YES/NO)***
Projects that receive federal funds must complete the NEPA clearance process. Projects that have already completed or that are about to complete the NEPA process are considered more competitive.
- ***The nominated project is in the Regional Transportation Improvement Program (RTIP). (YES/NO)***
The RTIP is a 5- year programming document that includes all regionally significant projects, regardless of funding source. Candidate projects not in the RTIP would have to be amended in, resulting in delay.
- ***Federal funding for this project would save Measure I funds for other projects. (YES/NO)***
Federal funding for the nominated project would supplant Measure I funds, which could, in turn, be moved to other projects important to SANBAG.
- ***The nominated project is a freeway improvement, freeway interchange improvement, grade separation, rapid bus project (BRT), light rail, or commuter rail project. (YES/NO)***
SANBAG's Measure I strategic planning process has identified the types of projects listed above. Nominated projects fitting one of the above descriptions are also more likely to match priorities in the next federal authorization bill.
- ***The nominated project is on a trade corridor of national significance and/or a High Priority Corridor on the National Highway System. (YES/NO)***
Trade Corridors of National Significance are key freight corridors as defined by Congress, which includes I-10, I-15 and the Alameda Corridor East. Nominated projects along I-10 and I-15 may include interchange and mainline improvements. Alameda Corridor East grade separations also meet this criterion.
- ***Nominated Valley freeway interchanges: in the top 10 of the interchange prioritization list. (YES/NO)***
Nominated Valley freeway interchanges should be among the top 10 of SANBAG's interchange prioritization list.
- ***For Valley or Victor Valley interchanges or grade separations, the development share is committed. (YES/NO)***
The development share has been identified and committed for the nominated project.
- ***Nominated Grade Separations: top ten on prioritized list AND already federalized, OR amount of proposed federal funding more than offsets the reduction in railroad contribution and cost of delay associated with NEPA compliance. (YES/NO)***
Grade separation projects that are already federalized are preferred.
- ***The nominated project will be able to start construction by 2014-15. (YES/NO)***
The nominated project will have completed all pre-construction phases in time to begin construction by 2014.
- ***The nominated project is supported by multiple jurisdictions. (YES/NO)***
The nominated project is supported by multiple jurisdictions.
- ***The nominated project is a vital connector to the state highway system and/or inter-jurisdictional mobility. (YES/NO)***
The nominated project is a vital connector to/from the state highway system. Vital connectors may also include projects that will enhance inter-jurisdictional mobility.

-
- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 13

Date: May 6, 2009

Subject: Amendment No. 1 to the Construction Cooperative Agreement No. 05-009 (Caltrans Agreement No. 8-1243) for Landscape Projects on State Route 210 in the City of Rancho Cucamonga

Recommendation:* Approve Amendment No. 1 to the Construction Agreement No. 05-009 with Caltrans for Landscape Projects on the State Route 210 in the City of Rancho Cucamonga, to extend the termination date to June 30, 2013.

Background: This is a time extension for an existing cooperative agreement with Caltrans. In October 2004, the Board approved the cooperative agreement for construction of Landscape Projects on the State Route 210 in the City of Rancho Cucamonga with a termination date of June 30, 2009. The plant establishment period will not be completed prior to the termination date of said agreement due to a late start of construction and delays in construction due to contractor bankruptcy. Amendment No. 1 extends the cooperative agreement to June 30, 2013.

Financial Impact: This action imposes no financial impact.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on April 9, 2009. SANBAG Counsel has reviewed and approved the agreement as to form.

Responsible Staff: Garry Cohoe, Director of Freeway Construction

*

*Approved
Board of Directors*

Date: May 6, 2009

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

SANBAG Contract No. 05-009-01

by and between

San Bernardino County Transportation Authority

and

State of California, Department of Transportation

for

Construction Agreement of Landscape Projects on State Route 210

FOR ACCOUNTING PURPOSES ONLY

<input type="checkbox"/> Payable	Vendor Contract # <u>08-1243</u>	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable	Vendor ID _____	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input checked="" type="checkbox"/> Amendment

Notes:

Original Contract: \$ <u>0</u>	Previous Amendments Total: \$ _____
Contingency Amount: \$ <u>0</u>	Previous Amendments Contingency Total: \$ _____
	Current Amendment: \$ _____
	Current Amendment Contingency: \$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 0

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
<u>824</u>	_____	_____	_____	\$ <u>0</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>10/06/04</u>	Contract Start: <u>10/06/04</u>	Contract End: <u>06/30/09</u>
New Amend. Approval (Board) Date: <u>05/06/09</u>	Amend. Start: <u>05/06/09</u>	Amend. End: <u>06/30/13</u>

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: _____ \$ _____	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ _____
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Is this consistent with the adopted budget? ☒ Yes ☐ No

If yes, which Task includes budget authority? 824

If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT

Please mark an "X" next to all that apply:

☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly Local

Disadvantaged Business Enterprise: ☐ No ☐ Yes _____ %

Task Manager: Garry Cohoe

Contract Manager: Gary Shippy

Garry Cohoe 4/17/09
Task Manager Signature Date

Gary Shippy 4-14-09
Contract Manager Signature Date

Chella Stewart 4/17/09
Chief Financial Officer Signature Date

08-SBd-210-PM R6.3/R13.4
(KP R3.9/R8.3)
In Rancho Cucamonga from 0.16 km
West of Cucamonga Channel to
0.6 km West of Rochester Avenue
08303-1A2801
District Agreement No. 8-1243 A/1

AMENDMENT NO. 1 TO AGREEMENT NO. 1243

THIS AMENDMENT NO. 1 TO AGREEMENT NO. 8-1243, entered into effective on _____, 2009, is between the STATE of CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," and the

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY, a public
entity, referred to herein as "AUTHORITY."

RECITALS

1. The parties hereto entered into Agreement 8-1243 on October 6, 2004, said Agreement defining the terms and conditions of improvements consisting of landscaping, automated irrigation system, erosion control, environmental mitigation and visual enhancement on State Route 210 in Rancho Cucamonga, from 0.16 km west of Cucamonga Channel to 0.6 km west of Rochester Avenue, referred to herein as "PROJECT."
2. It has been determined that PROJECT will not be constructed prior to the termination date of said Agreement.

IT IS THEREFORE MUTUALLY AGREED:

1. The termination date specified in Section III, Article 18, of the original Agreement shall now be June 30, 2013, instead of June 30, 2009.
2. All other non-conflicting terms and conditions of Agreement 8-1243 shall remain in full force and effect.
3. This Amendment No. 1 to Agreement is hereby deemed to be part of Agreement No. 8-1243.

SIGNATURES ON FOLLOWING PAGE:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

WILL KEMPTON
Director

By: _____
GARY C. OVITT
Board President

By: _____
RAYMOND W. WOLFE, PhD
District Director

Attest: _____
VICKI WATSON
Board Secretary

CERTIFIED AS TO FUNDS:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
District Budget Manager

By: _____
JEAN-RENE BASLE
Counsel

-
- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 14

Date: May 6, 2009

Subject: Amendment No. 1 to the Construction Cooperative Agreement No. 05-008 (Caltrans Agreement No. 8-1242) for Landscape Projects on State Route 210 in the City of Upland

Recommendation:* Approve Amendment No. 1 to the Construction Agreement No. 05-008 with Caltrans for Landscape Projects on the State Route 210 in the City of Upland, to extend the termination date to June 30, 2013.

Background: This is a time extension for an existing cooperative agreement with Caltrans. In October 2004, the Board approved the cooperative agreement for construction of Landscape Projects on the State Route 210 in the City of Upland with a termination date of June 30, 2009. The plant establishment period will not be completed prior to the termination date of said agreement due to a late start of construction and delays in construction due to contractor bankruptcy. Amendment No. 1 extends the cooperative agreement to June 30, 2013.

Financial Impact: This action imposes no financial impact.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on April 9, 2009. SANBAG Counsel has reviewed and approved the agreement as to form.

Responsible Staff: Garry Cohoe, Director of Freeway Construction.

*

Approved
Board of Directors

Date: May 6, 2009

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

SANBAG Contract No. 05-008-01

by and between

San Bernardino County Transportation Authority

and

State of California, Department of Transportation

for

Construction Agreement of Landscape Projects on State Route 210

FOR ACCOUNTING PURPOSES ONLY

<input type="checkbox"/> Payable	Vendor Contract # <u>08-1242</u>	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable	Vendor ID _____	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input checked="" type="checkbox"/> Amendment

Notes:

Original Contract: \$ <u>0</u>	Previous Amendments Total: \$ _____
Contingency Amount: \$ <u>0</u>	Previous Amendments Contingency Total: \$ _____
	Current Amendment: \$ _____
	Current Amendment Contingency: \$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 0

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
<u>824</u>	_____	_____	_____	\$ <u>0</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>10/06/04</u>	Contract Start: <u>10/06/04</u>	Contract End: <u>06/30/09</u>
New Amend. Approval (Board) Date: <u>05/06/09</u>	Amend. Start: <u>05/06/09</u>	Amend. End: <u>06/30/13</u>

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: _____ \$ _____	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ _____
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Is this consistent with the adopted budget? ☒ Yes ☐ No
If yes, which Task includes budget authority? 824
If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT

Please mark an "X" next to all that apply:

☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly Local

Disadvantaged Business Enterprise: ☐ No ☐ Yes _____ %

Task Manager: <u>Garry Cohoe</u>	Contract Manager: <u>Garry Shippy</u>
----------------------------------	---------------------------------------

<u>Garry Cohoe</u> Task Manager Signature	<u>4/17/09</u> Date	<u>Garry Shippy</u> Contract Manager Signature	<u>4-14-09</u> Date
<u>[Signature]</u> Chief Financial Officer Signature	<u>4/17/09</u> Date		

08-SBd-210-PM R0.0/R6.3
(KP R0.0/R3.9)
In Upland, from LA/San Bernardino
County Line to 0.16 km West of
Cucamonga Channel
08303-1A2701
District Agreement No. 8-1242 A/1

AMENDMENT NO. 1 TO AGREEMENT NO. 1242

THIS AMENDMENT NO. 1 TO AGREEMENT NO. 8-1242, entered into effective on _____, 2009, is between the STATE of CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," and the

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY, a public
entity, referred to herein as "AUTHORITY."

RECITALS

1. The parties hereto entered into Agreement 8-1242 on October 6, 2004, said Agreement defining the terms and conditions of improvements consisting of landscaping, automated irrigation system, erosion control, environmental mitigation and visual enhancement on State Route 210 at in Upland, from LA/San Bernardino County line to 0.16 km west of Cucamonga Channel, referred to herein as "PROJECT."
2. It has been determined that PROJECT will not be constructed prior to the termination date of said Agreement.

IT IS THEREFORE MUTUALLY AGREED:

1. The termination date specified in Section III, Article 18, of the original Agreement shall now be June 30, 2013, instead of June 30, 2009.
2. All other non-conflicting terms and conditions of Agreement 8-1242 shall remain in full force and effect.
3. This Amendment No. 1 to Agreement is hereby deemed to be part of Agreement No. 8-1242.

SIGNATURES ON FOLLOWING PAGE:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

WILL KEMPTON
Director

By: _____
GARY C. OVITT
Board President

By: _____
RAYMOND W. WOLFE, PhD
District Director

Attest: _____
VICKI WATSON
Board Secretary

CERTIFIED AS TO FUNDS:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
District Budget Manager

By: _____
JEAN-RENE BASLE
Counsel